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Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. LEAHY).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, before whom the morning stars first sang together, we praise Your holy Name. Replenish our Senators with new hope as they deal with the difficult issues of our time. Remind them that all things are possible to those who believe and that nothing can separate them from Your love. May they call to You for help, knowing that You will answer, inclining Your ear to hear their cry. Lord, give them the hearts and minds of servants who strive to please You. May the words they speak be an echo of Your voice as You help them to remember that no perplexity can successfully resist Your solutions.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable PATRICK J. LEAHY led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I am so used to the President pro tempore allowing someone else to preside that I was speechless. I am very glad the President pro tempore is here. We have not seen him a lot, and it kind of keeps us on our toes. I am glad he is here.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business until 12:30 p.m., with the majority controlling the first 30 minutes and the Republicans controlling the second 30 minutes. The Senate will recess, as we always do, for our weekly caucus meetings today at 12:30 p.m. until 2:15 p.m. We expect that the Foreign Relations Committee will report out Senator KERRY's nomination to be Secretary of State, and I look forward to full Senate consideration of that very important nomination today.

MEASURE PLACED ON THE CALENDAR—S. 164

Mr. REID. Mr. President, I am told S. 164 is at the desk and due for a second reading.

The PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (S. 164) to prohibit the United States from providing financial assistance to Pakistan until Dr. Shakil Afridi is freed.

Mr. REID. Mr. President, I object to any further proceedings with respect to this legislation at this time.

The PRESIDENT pro tempore. Objection is heard.

The bill will be placed on the calendar.

PAYCHECK FAIRNESS ACT

Mr. REID. Mr. President, today women make up nearly half of the American workforce. More women graduate from college today than do men, more women were sworn in to the 113th Congress than any Congress before that, and there are more women in the Democratic caucus than ever before—and that is an understatement. Millions of women in the United States are the primary wage earners for their families, and women are now free to fight for this county on the front lines of battle. Yet, for millions of American women, no amount of valor, talent, or dedication will bring pay equality with their male peers. Women still bring home 77 cents for every $1 their male colleagues earn for doing exactly the same work.

I have five children. My oldest child is a girl, my daughter Lana. I mean, it is hard to comprehend that she is worth less than one of my boys who does the same work. It is unfair. And that is true regardless of whether a woman has a college degree, regardless of what job she holds, and regardless of how many hours she spends at the office or factory each week. They get paid 77 cents on average for every $1 a man makes.

Four years ago President Obama signed the Lilly Ledbetter Fair Pay Act. I have gotten to know this dynamic, courageous woman, Lilly Ledbetter. She has campaigned around the country for people she likes and believe in her. I am so impressed with her and what she has been able to accomplish. This one woman has accomplished a great deal.

The Lilly Ledbetter legislation—the first bill President Obama signed as President of the United States—was the single greatest legislative step to ensure women have every chance to be full, equal participants in the workplace since the Equal Pay Act of 1963 was passed. But while this landmark legislation built on the legacy of the Equal Pay Act and narrowed the pay gap, it has not closed the pay gap, as I have just indicated. So the senior Senator from Maryland, BARBARA MIKULSKI, introduced the Paycheck Fairness Act last Congress. The Paycheck Fairness Act is a logical extension of protections under the Equal Pay Act and the Lilly Ledbetter Fair Pay Act. It would help close the wage disparity by empowering women to negotiate for equal pay and creating strong incentives for employers to obey the laws already in place. It would give workers stronger tools to combat wage discrimination and bar retaliation against

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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workers for discussing salary information. And it would help secure adequate compensation for victims of gender-based pay discrimination. It is simply not fair that any woman working the same hours in the same job should make less money than her male coworker.

Unfortunately, this commonsense legislation was blocked by a Republican filibuster last Congress. But Senator MIKULSKI, who has done so much to advance the pay equity issue, reintroduced the measure last week, for which I am grateful.

As we mark the fourth anniversary of the signing of the Lilly Ledbetter Act, I applaud Senator MIKULSKI and the women of the Democratic caucus for their dedication to American women and families—and to the principle of equality.

Would the Chair announce the business of the day.

Oh, I am sorry, I did not see the Republican leader here, so my apology, Mr. President.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. SCHATZ). The Republican leader is recognized.

GROWTH AND OPPORTUNITY

Mr. MCCONNELL. Mr. President, over the past several days, I have spoken of the need for the two parties to come together to address the Federal debt. We need to act quickly if we are going to avert a European-style debt crisis and avoid the harsh austerity that would bring.

But this is about more than just avoiding a calamity, as serious as that prospect has become. What this debate offers is a once-in-a-generation opportunity to update government for the 21st century, to modernize programs that work, and to reform ones that do not. Many Federal bureaucracies have not been reformed in any real way since the age of black-and-white television. Even if we did not have a debt crisis, we should want to reform them. This debate is an opportunity to do so.

By making government leaner and more efficient, we can sweep away outdated and heavyhanded regulations that have impeded private sector growth and the job creation we so desperately need. And by reducing the debt, we can eliminate an additional drag on our economy.

So this is not a conversation about austerity; it is a conversation about growth and opportunity. That does not mean we are all going to agree on the path forward. Americans certainly expect a serious policy debate. They expect both parties to offer competing plans to preserve and protect long-term entitlement programs, and they expect both sides to propose different plans to get our fiscal house in order and our country back to economic health.

Republicans have done their part. The budgets passed by House Republicans over the past couple of years contain fresh ideas that would help solve our fiscal crisis. Policymakers from both Chambers and from statehouses across the country have put forward a number of their own ideas and proposals as well. But from the Democrats? So far, not much. Four years on, President Obama and congressional Democrats still have yet to offer a serious plan to address the economic challenges we face. They have been content to wage political war instead.

It is my hope, however, that the debate over the debt ceiling will finally move our friends on the other side beyond their preoccupation with the horse race. Already, Senate Democrats have committed to developing a budget this year, after years of ducking their responsibility to do so. Hopefully, this will be a serious exercise and not simply an excuse for them to try to raise taxes, which, as we all know, is just another way to avoid solving core problems. Last week I came to the floor with a chart which showed that even if the President got every single tax increase he asked for, every one of them, we would still not even come close to solving the problem—not even close.

So let's not waste time with more pointless arguments about tax increases. We had that debated already. It is done. It is over. Instead, I call on Democrats to approach the spending debate with the seriousness it demands and to do it through regular order. We have to break this penchant among Democrats for putting off all important work until the final hour. We need to get back to regular order, and that takes time, and that is why we need to get started right now. Let the tough work of developing a budget and putting together long-term policies to control government spending begin today—not 1 minute or 1 hour before we come up against a deadline but today.

Americans deserve better than what they have been getting from Washington the past few years. Democrats were reelected, and I congratulate them. It is time now to get serious about actually governing.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. I thank the Chair.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 12:30 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the majority controlling the first 30 minutes and the Republicans controlling the second 30 minutes.

The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I understand I might be recognized for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. I ask I be notified after 12 minutes.

The PRESIDING OFFICER. The Chair will do so.

IMMIGRATION REFORM

Mr. SESSIONS. Mr. President, as we consider the serious issue of immigration reform, it is important for us to understand where we are as a country with regard to the laws we have and how they are being enforced. I will share some thoughts about that today because the American people and Members of Congress need to fully understand what is happening. It is well documented that the Obama administration has either unilaterally weakened or outright waived the enforcement of existing immigration law at the border, in the interior, at the worksite and at the welfare office. That is just a fact.

Last year, I joined with my colleagues at a press conference with the top representatives of the Nation's rank-and-file immigration law enforcement officers—the presidents of the ICE—Immigration, Customs and Enforcement—and Border Patrol unions. Those men, who are elected to serve as the voice of their fellow officers, gave a chilling report at that press conference—right over in the Senate building, with several other Senators—they gave a chilling report about the administration's systematic effort to dismantle the enforcement of our Nation's immigration laws. It is not just an effort, it is an effective plan and action to do so.

At the center of this misconduct is John Morton, the Director of ICE. The evidence I am about to share with you leads me to the unfortunate conclusion that Mr. Morton can no longer effectively serve at this post and, perhaps more importantly, there can be no comprehensive immigration reform as long as he is the person charged with enforcing it. What purpose is served to pass new laws if the ones we have are ignored by the officials charged with enforcing them?

This timeline shows how Mr. Morton and the administration have undermined enforcement. Most Americans do not fully understand the real effect of these immigration policies. In reality, right now, if a State law enforcement officer apprehends someone for

speeding and discovers, for example, that he is illegally in the country, the result is that nothing happens. They do not even bother to call the Federal law enforcement officers to report they have apprehended someone who is in violation of our immigration law. And the reason they do not call is because nobody will come and get them.

This is something I have discovered over a number of years. When I was attorney general of Alabama, and for 12 years, the top Federal prosecutor in the Southern District of Alabama, the U.S. attorney, and I discovered how the system works—and it is not working. What happens is they release them. At townhall meetings I would ask the people who showed up, citizens: What happens if your local police officer apprehends someone who is illegally in the country? They say they call the Federal people or they arrest them and take them to jail. The answer is, no, they do not; they release them. That is what they do because the system is utterly broken and not working.

Let me run through a series of events that have occurred in the last several years that further undermine the ability of America to enforce its laws. Let me just say, parenthetically, the only way to have a real effective law enforcement system is to welcome support and affirm the willingness of local law enforcement to participate and assist. There are, for example, some 600,000 State and local law officers out there every day enforcing our laws, protecting their communities. There are far fewer, maybe 15,000 or 30,000 Federal officers, dealing with immigration. The real eyes and ears in law enforcement in America are those State and local people. States have been sued by this administration for even attempting to assist. This administration is denying and refusing to renew the cooperative agreements that are necessary for Federal and State and local authorities to work together to effectively enforce the laws of our country, and this is what is causing our problem.

Let me run through some of these areas and problems that have occurred recently. I may not be able to finish, and I will make the rest of my remarks available in the RECORD. In a 2010 interview with the Chicago Tribune, Director Morton announced ICE may not even process or accept illegal aliens transferred to the agency's custody by Arizona officials. They were not happy with Arizona, presumably, so they would not even accept people local law enforcement turned over.

On May 27, 2010, an ICE e-mail revealed that low-risk, short-term detainees would be able to have visitors stay for an unlimited amount of time during a 12-hour window, would be given access to unmonitored phone lines, e-mails, and free internet calling. They would also be entertained with movie nights, bingo, arts and crafts, dance and cooking classes, tutoring and computer training.

On June 25, 2010, the National ICE Council, the union that represents more than 7,000 detention and removal agents within ICE, cast a unanimous vote of no confidence in Director Morton. According to the officers, their vote reflects ''the growing dissatisfaction among ICE employees and union leaders that Director Morton . . . has abandoned the agency's core mission of enforcing United States immigration laws and enforcing public safety and have, instead, directed [his] attention to campaigning for programs and policies leading to amnesty. . . .''

That is not a good thing for the chief immigration law enforcement officer of the country, for his people, the rank and file, putting their necks on the line every day, issuing such a report—and it is true. Unfortunately, it is. In August of 2010, ICE began circulating a draft policy that would significantly limit the circumstances under which ICE agents would take custody of illegal aliens. The memo provides that immigration officers shall issue detainers or official notification to law enforcement agencies that ICE intends to assume custody of the alien only after a law enforcement agency has independently arrested the alien for a criminal violation.

A detainer is a big deal. A detainer, if anyone understands how law enforcement works, is a critical component of modern law enforcement. If a State has a charge against an individual, or if the Federal Government has a claim against an individual being held by a different law enforcement agency, they place a detainer on that person and when the arresting jurisdiction completes its work with the person, they are not released on the streets; they are detained until they are turned over to the other legitimate law enforcement agency that has pending charges. If we do not have that, dangerous criminals are released, and it is really an improvement in law enforcement over the last 50 years.

This is a diminishment of that, significantly. In effect, no longer will ICE pick up an illegal alien for illegally entering the country or having false identification, or false immigration documents, if they are being held by State and local people for some local crime.

On October 8, 2010—according to ICE deportation statistics, from October 2009 through September 2010, the agency deported 390,000 aliens. But most, half of those at least, were people who were convicted of serious criminal offenses, independent of the immigration violations.

On December 6, 2010, interviews and internal communications cited in the Washington Post indicated that number, 390,000, was a padded number. First, the article charged that ICE included almost 20,000 removals in fiscal year 2010 that were for the previous year and should not have been counted. It also described how ICE extended a Mexican repatriation program beyond its normal operating dates, which, in effect, added 6,500 removals to the numbers that were not properly added.

On March 2, 2011, in a departmental memorandum, Director Morton outlined new enforcement priorities that encouraged ICE agents not to enforce the law against most illegal aliens but only to take action against those who meet his priorities. Director Morton issued a second memorandum on June 17, 2011, further directing ICE agents to refrain from enforcing U.S. immigration laws against certain segments of the illegal population, criteria similar to that under the DREAM Act, despite having no legal or congressional authority to do so and despite the fact that the DREAM Act was three times defeated in Congress.

What they did was they altered the enforcement policies of the Federal immigration officers to effect the DREAM Act that had been explicitly offered and rejected in Congress on three different occasions.

On June 17, 2011, Director Morton issued a third memorandum, instructing ICE personnel to consider refraining from enforcing the law against individuals engaged in a protected activity——

The PRESIDING OFFICER. The Senator has used 12 minutes.

Mr. SESSIONS. I thank the Chair—related to civil or other rights, for example union organizing, complaining about employment discrimination or housing conditions, and who may be in some nonfrivolous dispute with an employer, landlord or contractor. ICE agents were directed not to take action against someone who doesn't pay their rent and has a dispute with their landlord, apparently. They get special exemption.

On June 23, 2011, leaders of the national ICE union express outrage over the June 17 administrative amnesty memoranda authored by Director Morton. The law officers say that since the administration was ''unable to pass its immigration agenda through legislation, [it] is now implementing it through agency policy.'' It also accuses top ICE officials of working ''hand-in-hand'' with the open-borders lobby, while excluding its own officers from the policy development process. In plain words, they are saying the political appointees of ICE are advancing the agenda of those here illegally and maneuvering against their own law officers trying to do their duty.

On June 27, 2011, internal memoranda confirm that once the Houston Chronicle on August 24, 2010—exposed DHS' directive to review and dismiss valid deportation cases then in process, ICE officials attempted to publicly distance themselves from such lenient policies and deny that they ever existed.

On October 12, 2011, In testimony before the House Judiciary Committee, Director Morton admits that White House Director of Intergovernmental Affairs and former National Council of La Raza employee now—White House Domestic Policy Director—Cecilia

Muñoz, assisted in preparation of the administrative amnesty memoranda.

On October 18, 2011, ICE refuses to take any action after the Santa Clara County, California, Board of Supervisors votes 3–1 to stop using county funds to honor ICE detainers, except in limited circumstances.

On October 19, 2011, ICE refuses to act after District of Columbia Mayor Vincent C. Gray issues an executive order to prevent D.C. police from enforcing U.S. immigration law. Among other things, the order prohibits all public safety agencies from inquiring about an individual's immigration status or from contacting ICE if there is no nexus to a criminal investigation.

On November 22, 2011, ICE refuses to act after Mayor Michael Bloomberg signs a measure ordering all city jails to ignore certain ICE detainers issued to deport illegal aliens from those jails. As a result, New York City jails now release many illegal aliens back into the community instead of handing them over to ICE for removal.

On December 15, 2011, without an opportunity to defend itself, and little regard for the maintenance of public safety or the rule of law, DHS rescinds Maricopa County, Arizona's 287(g) agreement—a cooperative agreement whereby local law enforcement receive training in identifying and apprehending illegal aliens. Director Morton tells the Maricopa County Attorney that ICE will no longer respond to calls from the Maricopa County Sheriff's Office involving traffic stops, civil infractions or ''other minor offenses.'' However, it is unclear how ICE can refuse to respond to inquiries from the deputies and not directly violate federal law, which requires the federal government to respond to inquiries by law enforcement agencies to verify immigration status.

On December 29, 2011, ICE creates a 24-hour hotline for illegal alien detainees to be staffed by the Law Enforcement Support Center—the same organization that ICE says is too understaffed to keep up with immigration status check requests from state and local law enforcement. ICE then revises its detainer form to include a new provision that says ICE should ''consider this request for a detainer operative only upon the subject's conviction.'' This shift in policy to a discretionary ''post-conviction'' model ignores the fact that being in the country illegally is a violation of federal law while simultaneously welcoming criminal aliens back onto the streets.

On January 19, 2012, ICE attorneys in Denver and Baltimore recommend that the agency voluntarily close 1,667 removal cases, resulting in the release of illegal aliens already in proceedings without consequence for violating U.S. immigration laws.

On February 7, 2012, ICE announces the creation of the ICE Public Advocate, who is to serve as a point of contact for aliens in removal proceedings, community and advocacy groups, and others who have concerns, questions, recommendations, or other issues they would like to raise about the administration's executive enforcement and amnesty efforts.

On April 25, 2012, ICE officials announce it has offered to voluntarily close over 16,500 illegal alien deportation cases pending background checks in connection with the administration's review of 300,000 pending immigration cases. The administration also announces that the number of illegal aliens whose cases it has already dismissed is up to 2,700 from just over 1,500 the previous month.

On April 27, 2012, ICE shifts its policy on Secure Communities, where local officers report arrests of persons who are here illegally, to stop the enforcement of immigration law against illegal aliens apprehended for ''minor traffic offenses.'' When Secure Communities identifies illegal aliens pursuant to a traffic offense, ICE will no longer ask the local jails to detain the illegal aliens so that ICE may begin deportation proceedings; rather, ICE will only consider detaining an alien if the alien is ultimately convicted of the offense. Moreover, despite claims of limited resources, ICE also announced it plans to take action against jurisdictions with arrest rates the agency deems too high.

On June 5, 2012, ICE releases its latest statistics in its case-by-case review of pending deportation cases and states the Agency's attorneys have reviewed over 288,000 cases. Of those reviewed, ICE says it plans to voluntarily dismiss 20,648; it states over 4,300 of these cases have already been processed and the remaining will be closed pending background checks.

As I noted earlier, last year, I joined several of my colleagues in a press conference with the President of the ICE Officers Association, Chris Crane. What he said corroborated our worst fears—it was a chilling report about the administration's systematic effort to dismantle our nation's immigration laws. Here is just some of what he had to say:

> As one example, prosecutorial discretion for [those qualifying for DREAM Act amnesty] is solely based on the individuals' claims. Our orders are, if an alien says they went to high school, then let them go. If they say they have a GED, then let them go. Officers have been told that there is no burden for the alien to prove anything. Even with the greatly relaxed new policies, the alien isn't even required to prove that they meet any of the new criteria.
>
> There is no requirement, or burden to prove anything, on the part of the alien. We believe that significant numbers of people, who [do not meet DREAM Act criteria], are taking advantage of this practice to avoid arrest.
>
> The administration's new policies do not provide officers with new options or increased flexibility, but instead order officers not to enforce laws and not to take enforcement actions against specific groups, with officers under threat of losing their jobs if they do so.
>
> We were the only safety net between the community and these [criminal alien] predators, until now. Now, those folks, more and more, are walking out the back doors of these jails. We're walking away from them out in the field, we're encountering them in houses, and we're not allowed to talk to them. We're not allowed to do basic investigative work. And because of that, we're walking away from a lot of bad guys. This is not about individuals who are here to work, or whatever the case may be, there is a much larger problem and everybody is getting wrapped up in the same situation. When you take an officer's ability in the field to distinguish between those types of things, you place the public at risk.

The situation is so dire that these brave men and women saw no choice but to file suit against their leadership, including Director Morton. Last Friday, a federal judge ruled that ICE agents and officers have the right to challenge the administrative amnesty policies instituted by Director Morton and President Obama, which command the agents to violate federal law and refrain from detaining most all illegal aliens, or face disciplinary action or worse—losing their jobs.

According to the complaint, even violent offenders are eligible for automatic release under these non-enforcement policies. For example, ICE agent Samuel Martin, along with another ICE agent, picked up an illegal alien from the El Paso County, Texas jail on July 17, 2012. While the agents were trying to place the individual in the vehicle, he attempted to escape and physically assaulted the agents. Although the agents regained custody of the alien and transported him to the El Paso Criminal Alien Program office for processing, the agents' supervisors ordered them to release the alien without charges and specifically to not issue a Notice to Appear, as required by federal law. The agents protested the release of the alien but were told ''it was a management decision, based on the President's new immigration policies.'' Anyone with the slightest experience in law enforcement can see that these actions are devastating to law enforcement personnel.

Let's take a minute and put ourselves in the position of these agents. Let's say you stop a 34-year old man for speeding. He speaks little English, has no identification, and has no proof that he meets any of the criteria of the President's DREAM Act amnesty. But he knows enough to say he has been in the country since he was a child. You have no way of confirming this or whether he has a criminal record in this or any other country, but you have to let him go. This is what is happening every day. What a devastating indictment of this administration's willful and reckless dismantling of enforcement.

On August 3, 2012, I wrote to Director Morton regarding reports that ICE suspended an agent in the Philadelphia field office for arresting a 35-year old Mexican citizen unlawfully present in the U.S. with ten misdemeanor traffic

violations, no driver's license, and apparent ties to a fugitive. The alien arrived in the U.S. at the age of 25, meaning that he should not qualify for ''deferred action,'' even under the administration's unlawfully imposed DREAM Act directive. Yet, according to reports, the acting field director, a supervisor, advised the criminal alien that he would be let go because he was not a ''presidential priority.''

On August 15, 2012, Director Morton responded to my letter, stating that the agent was in trouble for failing to obey ''chain of command.''

On September 11, 2012, I responded that the issue was not ''chain of command'' but rather the agent's sworn duties under the law and the administration's ''priorities'' that contradict that sworn obligation. The supervisors' actions in this matter, and Director Morton's support for them, disastrously undermine the effectiveness of our immigration law enforcement officers in the field and their ability to enforce our nation's laws. I stated that his apparent failure to support his officers in these incidents and his evident lack of concern for the administration's decision to nullify the very laws they were sworn to enforce, raised serious questions about his ability to lead the agency.

Director Morton never responded to that letter.

There is much more that I could say about this, and I have many more examples of actions taken by Mr. Morton that have been demoralizing to our agents. It is just not good as a Federal law officer, and it is not healthy.

As I noted earlier, this is what ICE agents are telling us they have essentially been told: If an individual claims DREAM Act status—even though it never passed into law—they are directed to let them go on the spot. It is an evisceration of the law of the United States. Mr. Morton has no authority to do so, and he should not be doing that. A huge percentage of the people who are arrested are in their thirties or below. How are you going to tell? They make the assertion, they make the claim, and—according to the testimony and statements of these officers—they are told to accept that statement, accept that claim, and not detain or deport the person they have apprehended.

The ICE union vote of no confidence and the detailed charges against ICE's leadership are corroborated by those inside the administration who are afraid to speak out because they fear retaliation by the Obama administration. That is a sad state of affairs.

In the coming days, these facts and more will come to light. The administration has to realize there can be no comprehensive immigration reform as long as it is the policy of the Director of ICE, John Morton, to refuse to enforce existing law. We can't have an agreement. That is why, given everything that we have learned, Director Morton cannot continue in office.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. We cannot make progress on immigration reform as long as the man in charge of enforcing our laws continues to undermine those very laws and the efforts and work of his own agents, and refuses to act to protect them even when they have been assaulted by people. Aliens who have been released have assaulted agents. As I noted, ICE agents have filed a lawsuit against Director Morton for undermining their ability to do their sworn duty, and the court has just recently upheld the validity of that lawsuit to go forward, and it is now going forward. These officers are suing Mr. Morton.

So the Federal Government is abdicating its responsibility. It is violating the laws of the United States. It is punishing officers who try to do their duty. They are creating a larger illegal population in this country. They are encouraging more people to come to the country by not enforcing our laws, and at a time of high unemployment, the result is we are lowering wages and creating more unemployment.

They are suing States who try to cooperate. They are explicitly eviscerating the 287(g) program—a program I worked hard on a decade ago and was expanded—to train State law enforcement officers who can help the Federal agents to do their jobs.

Now the President is making a speech today in Las Vegas, taking 9 hours to get out there, I understand, to make a speech. He is saying again, I guess: Trust me. We need to change the law, and then I will enforce it. Then we will have our people follow the rules that you passed.

Well, this failure to deal in good faith and to actually follow the laws that Congress has passed is one of the biggest obstacles we face. We just have to say it. It is one of the biggest obstacles we face in being able to craft some sort of reform of our immigration laws and make it worthy of a great nation. We are a nation of immigrants. We believe in immigration. But we believe in the law. We believe that people should wait their turn and people should be able to be accepted here—over 1 million a year—in an orderly process, not a disorderly process, and that we shouldn't be rewarding those who violate the law and making it even harder for those who comply with the law.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

THE DEBT CRISIS

Mr. COATS. Mr. President, I have been coming to the Senate floor just about every day that we have been in session so far this year, and I am going to continue to do so to talk about what I believe is our most pressing crisis that this body faces and that our country faces; that is, the uncontrolled runaway Federal spending and accumulated debt and how it is dragging our economy down and how it threatens to provoke a major economic disaster if it is not addressed.

In previous remarks I have made on this floor, I tried to make the point that if we fail to get Federal spending under control in the short term, our economy will continue to remain in the doldrums because of this cloud of economic uncertainty that hangs over investors, businesspeople, and consumers. But I don't want my colleagues to just take my word for it. A host of experts, commentators, businesspeople, and investors around the country—and, frankly, around the world—people from both sides of the political spectrum have been and will continue to make this same point.

The message is this: Unless Washington stops punting this problem and begins to demonstrate the will to cut spending in serious ways to reduce our long-term debt, the economy will continue to limp along; investors will continue to remain on the sidelines; business owners will continue not to hire new employees; and, we will hasten the day when investors lose confidence in the United States as a worthy credit risk.

I know the market has responded in a favorable way recently. I hope that continues. But the fundamentals underlying our current economy don't justify that continuing far into the future.

So today I would like to quote from what others are saying, not just what a Senator from Indiana believes and has been saying on this floor. I want to talk about what they are saying about our debt and spending crisis.

First, I believe we can all—or most of us can—agree with this fact: that the first and the most essential function of the U.S. Government is to defend and protect its citizens from threats to their national security. As our national debt continues to rise unrestrained, we are putting our children's future and our country's future in a very vulnerable state.

Perhaps the most dire and frightening warning has come from one of our Nation's highest ranking officials, former Chairman of the Joint Chiefs of Staff, Admiral Mike Mullen, who said:

> The continually increasing debt is the biggest threat we have to our national security.

Not al-Qaida, not suicide bombers, not Islamic fundamentalists. According to the former Chairman of the Joint Chiefs, someone who has made a career leading our country through tumultuous battles of war, the largest threat to our national security is our very own red ink.

Erskine Bowles, former White House Chief of Staff to President Bill Clinton, also recognizes the imperative need to address our spending and debt crisis. As we all know, Bowles was tapped by President Obama to lead a bipartisan deficit commission with former Republican Senator Alan Simpson. The two

men, along with the commission, proposed recommendations for a big and bold plan to reduce our long-term debt. Rather than heed some of these recommendations and build off of this bipartisan momentum several years ago, the President ignored it completely and since has done nothing and offered no plan of his own to fix our dire fiscal plight other than to propose new taxes.

As I mentioned in previous remarks, the President got his tax increases on millionaires and billionaires, but no one should be fooled into thinking this solves our fiscal crisis. Recently, in an interview, former Chief of Staff Erskine Bowles rightfully criticized the administration and the Congress for not striking a significant budget deal and called that failure, ''The most disappointing thing in my life.'' He went on to say:

> They're bouncing from one crisis to another. . . . It's nuts. We have an enormous fiscal problem in this country. . . . We've got to put our big boy and big girl pants on and go to work.

He also added:

> . . . the problems are real, the solutions painful, and there's no easy way out.

Finally, he said:

> We got to do stuff that's real. I mean there's no sense in, you know, just working at the edges. . . . If we don't slow the rate of growth in healthcare programs, it's going to eat up the entire budget and virtually bankrupt the country.

The warning signs and the calls for action are coming from all sectors.

From the business sector, Gary Loveman, chairman of the Business Roundtable's Health and Retirement Committee, said the following:

> Keeping the U.S. economy from careening over the fiscal cliff was the first step, but our elected leaders must not stop there. Although economic recovery has been stalled, renewed expansion is possible if conditions are set in a comprehensive budget agreement that includes entitlement reform and long-term changes to reduce deficits. In this way we will ensure the viability health and retirement safety net for future generations of Americans.

John Mauldin, president of Millennium Wave Advisors, an investment advisory firm, publisher of Mauldin Economics, and author of ''End Game,'' a book many of us have heard about and read, said this:

> The real issue is the deficit. The leaders of both parties recognize that the current path spelled out on our fiscal balance sheet is unsustainable. The deficit must be brought under control . . . or we will find ourselves all too soon in the situation now facing much of Europe and Japan. The options at that point become far more dire.

Business owners in my home State of Indiana also recognize these dangers. Reflecting the sentiment of virtually every businessperson I have talked to over the past 2 years, Rick Zehr, a business owner in Fort Wayne, IN, said:

> We all need to manage our income and not borrow beyond what we can afford. I look at our country's deficit spending and it's so far beyond what the rest of us have to live like every day. As a business owner, it makes me nervous. Everyone is paying for deficit spending.

Economists are sounding the alarm as well. Kenneth Rogoff, a respected Harvard economist, said:

> The idea that one should just ignore all these problems and apply crude Keynesian stimulus is a dangerous one. It matters a great deal how the government taxes and spends, not just how much. The U.S. debt level is a constraint. A growing number of empirical studies, including my own joint work with Carmen Reinhart, suggests that the U.S. has already reached a debt level that has been associated with slower growth in advanced countries.

Our own Treasury Department and some credit rating agencies have also weighed in. These warnings alone should be enough to urge Congress and the administration to act.

According to the U.S. Treasury Department's Financial Report of the U.S. Government for Fiscal Year 2012:

> While these projections are subject to considerable uncertainty, the debt-to-GDP ratio would continue to rise unsustainably under current policy.

Can I state that again? Our own U.S. Treasury report said that while these projections are subject to considerable uncertainty, the debt-to-GDP ratio will continue to rise unsustainably under current policy.

Does that not suggest to us that current policy is not working when the U.S. Treasury puts out a report saying: What the administration and Congress are doing is unsustainable? Unless we grasp the reality of what is happening with our spending and our debt, we are headed for a crisis if we are not in one already.

When Standard & Poor's downgraded the U.S. Federal Government debt in August 2011, they said:

> Our lowering of the rating was prompted by our view on the rising public debt and our perception of greater policymaking uncertainty.

There is that word again, ''uncertainty.'' There is that implication again: failure to take action. The time to act is now. We can no longer sit back and hope this problem is going to go away. Too many people want to just think, well, if we just sort of stumble along the way we are stumbling along, it is all going to work itself out.

We can no longer, and should no longer, accept double-digit unemployment. Yes, I said double-digit. While the official number is hovering around 8 percent, we all know millions of Americans have given up looking for work, and millions of others have dropped out of the employment lines or settled for jobs below their qualifications. The real numbers are far higher, and the distress is far greater than what is admitted.

This is not a new problem. It has been long recognized even by the President. In February 2009, 4 years ago, President Obama held a fiscal responsibility summit, and here is what he said:

> And that's why today I'm pledging to cut the deficit we inherited in half by the end of my first term in office. This will not be easy. It will require us to make difficult decisions and face challenges we've long neglected. But I refuse to leave our children with a debt that they cannot repay—and that means taking responsibility right now, in this administration, for getting our spending under control.

Here we are, 4 years from those remarks where the President's own budget and bipartisan deficit commission was dismissed, 4 years from the time when he pledged to the American people that he would cut the deficit in half, 4 years from the time when he said responsibility needs to be taken now.

Mr. President, I ask unanimous consent for 3 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COATS. It has been 4 years since the President made those statements, and here we are where we have added trillions of dollars of new debt—the greatest increase in the history of America, and we have ignored and pushed spending down the road without a real budget proposal or a long-term deficit plan. Experts and economists from both sides of the aisle agree that spending reductions must be a part of the equation to address our dangerous debt. The President has called for a balanced approach but is showing no signs of leadership on restructuring mandatory runaway spending.

Even the Washington Post editorial board, which is not necessarily conservative, acknowledged this in a piece just recently on November 27, and I quote:

> Elections do have consequences, and Mr. Obama ran on a clear platform of increasing taxes on the wealthy. But he was clear on something else, too: Deficit reduction must be ''balanced,'' including spending cuts as well as tax increases. Since 60 percent of the federal budget goes to entitlement programs such as Medicare, Medicaid and Social Security, there's no way to achieve balance without slowing the rate of growth in those programs.

In conclusion, let me say this: There is a widespread consensus about the seriousness of this problem and the fact that we must take significant measures to rein in our deficit spending and do it now. We need a bold plan that will reduce spending, reform and simplify our tax system, and, most of all, restructure Medicare, Medicaid, and Social Security to preserve those benefits for future generations. In subsequent remarks, I intend to address how Congress can get with it and become part of the solution instead of part of the problem. We need to create a long-term deficit reduction plan that begins by fulfilling our constitutional obligation to pass a budget, which this body has not done in more than 1,300 days. Let's be honest with ourselves—this will only happen if we, the Senate, summon the political courage and the will to engage in direct, good-faith, bipartisan efforts to deal with our Nation's No. 1 challenge.

Perhaps Alice Rivlin, budget director under President Bill Clinton, summed it up best:

There's no mystery about what we ought to do, we just need to get on with it.

Mr. President, Senate colleagues—Republicans and Democrats—let's get on with it.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

(The remarks of Mr. HATCH, Ms. KLOBUCHAR, Mr. RUBIO, and Mr. COONS pertaining to the introduction of S. 169 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER (Ms. HEITKAMP). The Senator from Iowa.

GUN CONTROL

Mr. GRASSLEY. Madam President, the Judiciary Committee will be holding hearings soon—and many times—on responding to mass killings such as the recent school shooting in Newtown, CT. Admittedly, that was a terrible tragedy. We are all sympathetic to the families of the victims of that horrendous crime.

President Obama has asked Congress to pass legislation in response to that event. I look forward to the hearings the Judiciary Committee will hold on this very important subject because we need to know more about the problem and potential legislative action.

There will be plenty of occasions to discuss specific gun, mental health, and other legislative responses to Newtown. Today, I would like to address the President's rhetoric when he announced his proposals.

I was surprised at a number of the President's statements. For instance, he is directing the Centers for Disease Control to conduct research into the causes of gun violence. But gun violence is not a disease, and lawful gun ownership is not a disease. It is a constitutionally protected individual right—the famous second amendment right, not only part of the Constitution for 225 years but reinforced by two recent Supreme Court decisions.

The President said we suffer from an ''epidemic of violence.'' Although there is too much violence in America, violent crime rates are at their lowest level in 50 years—not at epidemic levels, at least epidemic when compared to the last 50 years. There is a reason for that.

Police practices and investigative techniques have improved, and we in the Congress have helped with grants to assist local law enforcement, higher incarceration rates for violent criminals, and an end to parole in the Federal system. Notably, crime rates are at their lowest level in 50 years at the very same time more guns are in circulation than ever before. But what has not declined is mass killings, such as we had in Newtown, CT. Of course, this should be our focus.

But what the President said that most surprised me concerned the Constitution and the Declaration of Independence.

Let us consider principles first. The Declaration of Independence listed grievances against British Government action that violated individual natural rights of the colonists at that time.

Even the declaration did not raise grievances against individuals or grant powers to government. The Constitution exists to create a limited federal government. As Madison wrote in Federalist 51:

> In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself.

In other words, the Government of the United States under the Constitution is a limited government, and the Constitution is to protect the people from the government, not for the government to give people rights and powers that the government then in turn could take away. On the other hand, the Constitution does give broad powers to the Federal Government, but it separates them among branches and between the State and National Governments.

The Framers believed these structures would adequately control the government so as to protect individual liberty, but the American people disagreed. They believed the Constitution gave the Federal Government so much power that it could be tyrannical and violate individual rights. So as a condition of ratification, they demanded, and received, assurances that a bill of rights would be added to the Constitution. Each of those rights, including the second amendment dealing with guns, was adopted to yet further limit government power and to protect individual rights.

In other words, the people who wrote the Constitution in 1787, in the spirit that they believed at the time, the Constitution, just the way it was originally written, was adequate to protect individual rights. But we were not going to get the Constitution adopted without the promise of a bill of rights. So the Bill of Rights went yet further, but the Bill of Rights is not a limiting factor as evidenced by the ninth amendment, which said none of the previous eight amendments in any way disparages the rights of citizens, all of those natural rights that are too big that we cannot even enumerate.

Then, of course, the tenth amendment went on to say all powers not specifically given to the Federal Government are reserved to the States and the people thereof. Nothing in the Bill of Rights applied to the actions of private individuals or granted power to the Federal Government. So how far were the President's remarks from the intent of the Constitution's Framers?

President Obama's remarks turned the Constitution on its head because he said:

> The right to worship freely and safely, that right was denied to Sikhs in Oak Creek, Wisconsin.
>
> The right to assemble peacefully, that right was denied shoppers in Clackamas, Oregon, and moviegoers in Aurora, Colorado.
>
> That most fundamental set of rights to life and liberty and the pursuit of happiness—[are] fundamental rights that were denied to college students at Virginia Tech and high school students at Columbine, and elementary school students in Newtown.

This is incorrect because except for its prohibition on slavery, the Constitution limits only the actions of government, not individuals. When a criminal commits murder, no constitutional right is violated. So, for instance, the right to peacefully assemble is all about protecting individual rights to organize, to protest, or seek to change government action. It is violated, for instance, when government officials hose down civil rights protesters on the sidewalk. That right is trivialized and mischaracterized as protecting shopping and watching movies. Those constitutional rights are not a source of government power to enact legislation, as I think the President has suggested. Quite the opposite. They are designed solely to preserve individual autonomy as against the government.

Protecting individual rights rather than expanding governmental power may be particularly appropriate in addressing mass killings. One of the reasons so many people died in some of the tragedies the President cited was the failure of the Federal Government, the State government, or the local government, but government generally to protect its citizens.

Police not on the scene cannot arrive at a mass shooting such as Newtown in time to stop it. At Columbine the police employed techniques that are no longer used because they did not stop killings that occurred after their arrival. At Virginia Tech, government officials made decisions after the shooting started that some even have argued may well have led to unnecessary deaths.

The President cited constitutional protection of individual rights as a basis for expanding Federal power against private individuals. No wonder millions of Americans fear that Congress may enact legislation that could lead to a tyrannical Federal Government.

I cannot accept the President's claim that ''there will be politicians and special interest lobbyists publicly warning of a tyrannical, all-out assault on liberty[,] not because that's true, but because they want to gin up fear.''

The President reads the Constitution differently than it has ever been understood: as a source of power against individual rights rather than a check on government power that guarantees those individual rights. This necessarily and understandably leads many citizens to fear that their individual rights will be violated, and that extends well beyond the second amendment.

It should be a matter of deep concern to all of us when the President wants to use the power of government to corral individual rights. For 225 years the

Constitution has established a government that is a servant of the people, not its master. As the Judiciary Committee and all of us consider and debate legislation arising from the tragedy at Newtown, I hope we will proceed with the proper understanding of the relationship that the Constitution establishes between governmental power and individual liberty.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

TRIBUTE TO SECRETARY OF STATE CLINTON

Mr. NELSON. Madam President, I want to speak about the extraordinary public service that has been rendered by the Secretary of State and whose long record of public service I want to commend. I rise on behalf of my friend, our former colleague, our honorable Secretary of State, Hillary Clinton.

She has represented the United States. She is a world figure. She has represented America to the world, especially with her diligence, her grace, her hard work, and her incredible diplomatic skills. She has traveled to 112 countries. She has racked up 1 million miles, met with thousands of foreign dignitaries. She has reached nearly every corner of the globe and made history on the way.

In each assignment she has left an indelible mark empowering women, supporting sustainable development, supporting the establishment of civil societies, and promoting the tenets of democracy: one man, one vote; one woman, one vote; human rights; and the rule of law.

I might also note that she particularly has underscored the plight of women. Of course, we know we see societies that live almost in another time and age centuries before in the way they treat women. The Secretary of State has tried to help modernize those societies. She has done so by empowering and appointing one of her personal friends, Melanne Verveer, to be the Global Ambassador for Women's Affairs. That position has taken Ambassador Verveer all over the globe.

I might say it has been my privilege to have a glimpse of that by seeing my wife Grace Nelson work with Melanne on the plight of poor women in so many different countries across this planet.

When our Secretary of State confronts major national security challenges, her support has been pivotal—from the support she gave the President in the raid that took out bin Laden, to the drawdown of U.S. troops in Iraq and Afghanistan. She has been at the forefront of some of the toughest decisions of our time.

The Secretary has also been steadfast in persuading the international community to enact crippling sanctions on Iran to isolate and to punish the regime for its pursuit of nuclear weapons. I might say on a personal note, a Floridian has been missing for almost 6 years who was suddenly swept up and disappeared on the Iranian tourist island of Kish in the Persian Gulf. The Secretary has kept very vigilant in continuing to search for any piece of evidence of Bob Levinson and to ultimately bring him home. I thank the Secretary not only for Floridians such as myself, but for his wife, Christine Levinson, and seven children who want their father home. That quest continues unrelentingly by many people. I wanted to say thank you to Secretary Clinton for the efforts she has lent to this effort.

She has been one of the driving forces behind NATO's no-fly zone over Libya in order to prevent Qadhafi from massacring his own people. Through deft diplomacy, she has slowly opened Burma to the outside world. She is encouraging them to free political prisoners, hold parliamentary elections, and finally permit foreign investment. It is happening before our eyes.

Of course, she has taken special interest in the poorest nation in the Western Hemisphere, an island nation right off of the east coast of the United States, also less than an hour-and-a-half flight from Miami; that is, the island of Haiti.

The island nation of Haiti—which is the island that Christopher Columbus was expected to have landed on, Hispaniola—now encompasses Haiti and the Dominican Republic. She has made Haiti one of the top foreign policy priorities, helping the impoverished island build back better after the devastating earthquake that killed over one-quarter of a million people. In no small measure has her husband President Clinton been a part of that attempt at restoration of Haiti from that devastating earthquake.

Last week, during Secretary Clinton's final appearance before the Senate Foreign Relations Committee, she said:

> Every time that blue and white airplane carrying the words ''United States of America'' touches down in some far-off capital, I feel again the honor it is to represent the world's indispensable nation.

Madam Secretary, you have truly honored us with your indispensable leadership. On behalf of all our Senate colleagues, we thank you for your extraordinary service to this country. I want to say that your position will be in capable hands with our colleague and your former colleague, Senator JOHN KERRY, who will serve, as we confirm him in the next 24 hours, as the 68th Secretary of State.

Senator KERRY has served in this Senate in a distinguished amount of public service since 1985. He grew up traveling the world with his father in the Foreign Service. He fought in Vietnam and was awarded the Bronze and Silver Stars, along with three Purple Hearts. I know he is going to build upon and continue the legacy and the extraordinary record of Secretary Clinton and will enhance America's leadership in the world. I look forward to his speedy confirmation.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

IMMIGRATION

Mr. RUBIO. Madam President, let me begin by thanking the senior Senator from the State of Florida, who a few moments ago made some very kind remarks about me, and I appreciate that very much. Let me just say he is the best python hunter in the Senate. For those who don't know what I am talking about, they can look it up in the newspaper accounts of Senator NELSON's endeavors of a few weeks ago in the Everglades. So I look forward to working with him, and I thank him for his friendship and his kind words.

Madam President, I wish to take a few moments. I have heard a lot of discussion here on the floor today. A moment ago, we were talking about the STEM visas and the need to reform that process. I would like to take a step back and talk a little about the immigration issue in general. There has been a lot of conversation about that here in the Senate, certainly out in the public. This is a contentious issue, and it is clearly important to understand where we stand today, what it is that is happening, what is not happening, and the way forward in that regard. I hope I can do that in under 10 minutes here this afternoon.

Let me begin by saying something that I think unifies all of us, and that is the belief that legal immigration is good for America. Legal immigration is a good thing for our country. The vast majority of Americans would agree with that. Legal immigration has been a critical part of our heritage, and it is a critical part of our future. We just discussed one aspect of legal immigration that is critical to our future, and that is in the technology field. I guarantee that if you go to the agricultural industry, they will tell you the same thing. Legal immigration is good and important for our country.

The second thing people will tell you is that illegal immigration is not good for America. I know both sides of this coin firsthand. I didn't read about this in a book. I didn't watch some movie last week about immigration. I live this issue on a daily basis. I live in a family of immigrants, married into a family of immigrants, in a neighborhood of immigrants, in a community of immigrants.

I see all the good things legal immigration has done for America, and I see the strain illegal immigration places on our country.

We have a fundamental problem in our country today; that is, we have a broken legal immigration system and we have a very serious illegal immigration problem. That is what we are trying to address in a commonsense way that is good for America.

What we saw yesterday was the release of some principles. It is not a bill,

it is some principles. It is basically the architecture of the work we hope to undertake in conjunction with every one of my colleagues here. It is not a secret group who will meet and force some issue upon us to take or leave. It is the beginning of a process we hope will lead to a real solution.

Part 1 of that process is that we need a legal immigration system that works. In fact, our broken legal immigration system is a significant contributor to illegal immigration. It is so expensive, it is so complicated sometimes to legally immigrate to the United States or to renew a visa that it is encouraging people to do it the wrong way. We have a system that doesn't reflect the reality of the 21st century, and that needs to be addressed. That is one of the top priorities of this system.

The second priority is this: This is a sovereign country. As a sovereign nation, the United States of America has a right to have immigration laws, and it has a right to enforce our immigration laws. That is important to point out. Sometimes we lose sight of this. We have 1 million people a year who immigrate legally to the United States permanently. No other country in the world is nearly as generous. There isn't even a close second. A million people a year wait in line and pay the fees and come here the right way, and if we don't enforce our immigration laws, we are undermining that effort. In fact, we are discouraging it, and we are being unfair to it. So we need to have immigration laws that work and that are enforced.

But we have a third problem; that is, right now, in this country at this very moment, estimates say that as many as 11 million human beings are in the United States without proper immigration documentation. Now, let me be clear: On the one hand, the vast majority of these folks are not victims. They knew what they were doing, and what they did was wrong. They do not have a right to illegally immigrate to the United States. There is no such thing as a legal right to illegally immigrate to the United States. On the other hand, these are 11 million human beings, 11 million people who, irrespective of how they did it, came here, and the vast majority of them in pursuit of what every one of us would recognize as the American dream.

As a policymaker, as someone who passionately loves this country, as do all my colleagues and everyone watching, I realize we have 11 million people here who are undocumented. What they did was wrong, but they will probably be here—almost all of them—for the rest of their lives with or without documents. So I want to deal with this. We need to modernize our legal immigration system. We have to deal with the 11 million people who are here now in a way that makes sense, not in a talking-point way. We have to make sure that this never happens again, that we never find ourselves back where we are now. I hope I never again in the future have to come back here and say: Guess what, folks. We have another 5 million people who are here undocumented. And let me be clear. I will not support—I personally will not support any immigration bill that does not prevent that from happening. But it all starts with dealing with the reality that we have 11 million human beings who will be here for the rest of their lives with or without documents. We have to deal with that.

What these principles say is, No. 1, let's modernize our legal immigration system. Let's have an agricultural program that works. Let's have a high-tech visa program that works. We have to have a 21st-century immigration system, which means we can no longer afford to have less than 10 percent of the people who come here based on skills. We need to change that, and not by undermining family-based immigration but by reforming the programs we use for skill-based immigration. We need to modernize it.

Secondly, we need real enforcement mechanisms. There are three things that work. No. 1 is securing and getting operational control of the border. And by the way, this is not just an immigration issue. The border is not just an immigration issue. I am not in favor of a housekeeper or a landscaper coming across the border illegally. I am not in favor of that. But what keeps me up at night are the terrorists coming across the border, and a porous border at the north or south leads to that possibility. So the border is as much about our sovereignty and national security as it is about immigration.

Third is a workplace enforcement mechanism. In the 21st century, we can't come up with a reliable way to verify whether the people being hired are here legally?

Fourth is visa tracking. We have all these people coming to the United States on visas. We track when they come in but not when they leave—or not successfully enough. So we don't know where they are or whether they are here. We have no idea. As much as 40 percent of our illegal immigrants, 40 percent of our undocumented folks are here on visa overstays. They didn't sneak across the border.

We have to deal with those four things as well. Then we have to deal with the 11 million, and the way to deal with it is not blanket amnesty. What my principles outline, what the group's principles outline is a process that works this way: If you are here undocumented, you must come forward. There will be a background check on you. If you have ever committed serious crimes in the United States, you will be deported. If you have not committed serious crimes in the United States, you will then have to pay back taxes and you will have to pay a fine. What you will then get is basically the equivalent of a nonresident visa that allows you to work here. You do not qualify for Federal financial benefits, so you are not a strain.

I have heard that concern raised—this is going to place a strain on our social services. As nonimmigrant visa holders, they do not qualify, under existing law right now, for Federal benefits.

What you get is a work permit, the ability to be here legally. We know where you are, we know where you live, we know where you work, you pay taxes, you have paid a fine—this is not amnesty—and you have a nonimmigrant visa. And there is nothing you can do with that nonimmigrant visa but stay here, work, and travel to visit relatives. But you can't turn that into citizenship. It is a nonimmigrant visa.

They will have to remain in this probationary phase for a significant period of time—not an unreasonable period of time but a significant period of time. After that period of time has elapsed and if they have complied with all the requirements of that probationary period and if it is certified that the enforcement mechanisms are in place and have happened—that is critical—then and only then do we then move to phase 2.

This is what phase 2 is, and it is very simple. Phase 2 is that we go to these folks and say: OK, you will now be given the opportunity to apply for a green card using the same process as anybody else anywhere in the world would use to apply—the same process.

In essence, all we are going to give them is a chance to do what they should have done in the beginning, to apply the way they should have applied in the beginning. Here is what is important: They have to get in line. People say: What is the big deal about the line? The big deal about the line is that all those people who have done it the right way, it is not fair to them to allow someone who didn't do it the right way to leapfrog them. In essence, we can't make it cheaper and faster to immigrate here illegally than it is to immigrate here legally. Ultimately, they will have to get in line, they will have to qualify for the visa they have applied for, and if all that works out, then they will get a green card. Once they get a green card, depending on how they got it, they will have to wait about 5 years before they can even apply for citizenship.

This is the process and these are the principles we have outlined. I have heard concerns, and they are all legitimate concerns. Just because someone raises concerns about our principles, that doesn't mean they will ultimately be against them. It means they have legitimate concerns. People say it is wrong to reward people who have done this the wrong way. We agree, and that is why we can't allow them to leapfrog anyone. That is why the line is important and the waiting period is important.

I heard Senator SESSIONS earlier say that we are not even enforcing our current laws. That is true. And one of the reasons they are not being enforced is

because the current system doesn't exist. It doesn't work. What we have now is de facto amnesty. If we do nothing, what we have is de facto amnesty because we don't know who the undocumented are. We couldn't enforce it even if we wanted to. That is why we have to deal with this issue.

We talk about the cost of social programs. If you are on a nonimmigrant visa, you don't qualify for the social programs by current law.

Look, there is a lot of work to be done. What we announced yesterday is not a plan, it is a framework. And that framework has to now be turned into legislative language. That is a lot of hard work, but I hope people will take this as an opportunity to come up with a solution to an issue that is solvable, that we can address and bring to a conclusion. It will have to be done the right way, and it will not be easy.

In a few hours the President will give a speech in Nevada, and early press accounts concern me. I don't want to turn this into a partisan thing, though, so let me just say this: If this endeavor becomes a bidding war to see who can come up with the easiest, quickest, and cheapest pathway to a green card possible, this will not go well. We now have a commonsense and reasonable set of principles. And I hope what the President will say today is he hopes that process succeeds. But if his intentions are to trigger a bidding war to see who can come up with the easiest process, this is not a good start. But let's give him the benefit of the doubt. I hope my colleagues will do the same.

I am deeply committed to the rule of law and to having an immigration system that works. I hope we can work together to accomplish that.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that at 2:15 p.m. today, the Senate proceed to executive session to consider Executive Calendar No. 1, the nomination of Senator JOHN KERRY to be Secretary of State, with 2 hours of debate equally divided in the usual form; that upon the use or yielding back of that time, the Senate proceed to vote without intervening action or debate on the nomination; that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the Record; and that President Obama be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

EXECUTIVE SESSION

NOMINATION OF JOHN FORBES KERRY TO BE SECRETARY OF STATE

The PRESIDING OFFICER (Ms. BALDWIN). Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of JOHN FORBES KERRY, of Massachusetts, to be Secretary, Department of State.

The PRESIDING OFFICER. Under the previous order, there will be 2 hours of debate on the nomination equally divided in the usual form.

The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I rise to speak to the nomination of Senator KERRY to be the next Secretary of State.

It has been more than 100 years since a member of the Senate Foreign Relations Committee was directly nominated to be the Secretary of State. The last was Senator John Sherman of Ohio, who was selected to serve as Secretary of State to President McKinley. It is important to note that this historical fact exists because Senator KERRY's path isn't one commonly taken but one that is earned by a select few, and he has earned this opportunity.

From the first time JOHN testified before Chairman Fulbright as a young returning Vietnam war hero in 1971 to the day the President announced his nomination as Secretary of State, he has invested himself in all of his endeavors, always looking for the truth, for answers, uncovering the facts, hearing all the evidence, and then publicly speaking truth to power based solely on what was best for this Nation. I know he will carry those leadership traits with him into his new position, and I can think of no one better prepared to take on the challenges of this position.

As a Senator, as a member of this committee, and as a chairman, JOHN has already built strong relationships with leaders across the world, which will allow him to step seamlessly into the role of Secretary of State. Senator KERRY will need no introduction to the world's political and military leaders and will begin day one fully conversant not only with the intricacies of U.S. foreign policy but with the understanding of the nuanced approach necessary to effectively interact on a multinational stage.

When Vice President BIDEN was chairman of the Foreign Relations Committee, he said on more than one occasion that ''good international relationships are always predicated on strong interpersonal relationships.'' JOHN KERRY understands there is no substitute for strong interpersonal relationships, whether in Senate politics or international diplomacy. Secretary of State is not a desk job. It requires constant personal interactions in the furtherance of American foreign policy.

During his 30 years in public life and more than 25 years in the Senate, Senator KERRY has championed many issues. Earlier today the Senate Foreign Relations Committee favorably reported his nomination to the Senate unanimously and presented Senator KERRY with an honorary resolution highlighting a few of his many accomplishments.

Amongst his accomplishments are the partnership he formed with Senator JOHN MCCAIN that led to an effort to investigate the fate of American soldiers unaccounted for in Vietnam and normalize relations with a former enemy—which is, in essence, Vietnam; his leadership of difficult, sensitive, and comprehensive investigations in the Senate on everything from the Bank of Credit and Commerce International and illegal money laundering, to the Noriega regime in Panama which is well known; advocating for democratic elections in the Philippines and serving with Senator Lugar as part of a Senate delegation that uncovered the fraud that led to the ouster of President Ferdinand Marcos; working with the Cambodian Government and the United Nations to facilitate the creation of the genocide tribunal in Cambodia to prosecute key members of the Khmer Rouge; advocating for programs that help secure nuclear, biological, and chemical weapons stockpiles and materials so they don't fall into the hands of hostile states or terrorists; and leading the Senate to provide its advice and consent to ratification of the New START treaty with Russia.

During the Arab spring, Senator KERRY supported a no-fly zone over Libya, which helped to save thousands of civilians from being massacred, and he was a voice of courage and conscience in calling for President Hosni Mubarak to step aside and begin an orderly and peaceful transition to a democratic political system in Egypt.

JOHN has been a tireless advocate for the cause of peace in the Sudan and South Sudan and played an instrumental role in the successful referendum in 2011.

JOHN is well known for his bipartisan work with former majority leader Bill Frist on comprehensive HIV/AIDS legislation that laid the foundation for

the President's Emergency Plan for AIDS Relief, a program that provides lifesaving treatment for people with HIV/AIDS and supports broad prevention efforts that save lives every day.

Many of you know that JOHN is a tireless and most convincing advocate for addressing global climate change and supporting the transition to a clean energy future. As chairman of the Committee on Foreign Relations, he convened eight major hearings and roundtables on climate change and energy security, underscoring their connection to global stability, economic competitiveness, and America's national security.

In his new role, his portfolio will be greatly expanded as he represents the interests of the Nation, from securing our Embassies and protecting our overseas personnel to promoting commerce, enhancing cross-cultural ties, and keeping America secure through cooperation where possible and isolation where necessary, as in the cases of Iran and North Korea.

Whatever the challenges we will face as a nation, in my view, the State Department could not be in better hands. When it comes to America's role in world affairs, I know we all agree that it is critical that the United States remain fully engaged, that we project not only the power of our military strength when necessary but the wisdom of our democratic ideas. I have no doubt that Senator KERRY will rise to meet these challenges as he has so consistently in his many years of service to his State and this country.

I see the distinguished ranking member on the committee, Senator CORKER, whom I look forward to working with as we move forward in the days ahead.

I think all Members will say that even when they did not agree with Chairman KERRY on a given issue, they always felt he had an open ear, an open door, an opportunity for full debate, an effort to seek the common ground, particularly in U.S. foreign policy. I believe those traits are going to serve him extraordinarily well in his role as Secretary of State as he deals with the Senate and the House of Representatives as part of promoting U.S. foreign policy in a way that brings us as cohesively together as we can to promote the national interests and securities of the United States.

I look forward at the end of this time period to a strong confirmation vote to send a message to the world that this is our Secretary of State, and he speaks for America on behalf of the Obama administration and the people of the United States.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Madam President, I wish to thank the chairman for holding the business meeting the way he held it today and the hearings last week for this confirmation.

I know a lot of people think that because of the way partisan politics are here in Washington, sometimes we can't be happy for someone on the other side of the aisle when they do well. Nothing could be further from the truth.

I just want to say that I thought Senator KERRY acquitted himself exceptionally well in the hearings we had last week. I thought they were wide-ranging, and I think he had the opportunity to display the depth of knowledge he has on many issues. I don't know of anybody who has lived a life that has been more oriented toward ultimately being Secretary of State than JOHN KERRY, and for that I also am happy for him and his family and the fact that very soon he is going to be able to express himself on behalf of our Nation in this way.

I think most of you know that his dad was a Foreign Service officer. I know that you know he certainly made a splash. Some people thought it was negative, some people, positive, but he certainly made a splash here during the Vietnam era and from that point on has been very, very active. So, again, I thought he acquitted himself exceptionally well.

There are four points I want to bring out. I know that he knows—and many of us have seen recently just because of some of the things that have happened in Libya—we have a State Department that needs some oversight, and we haven't provided it. Neither side of the aisle has provided it now for over a decade.

I know he sees the need for the Senate, through its authorization process—and the House doing the same—to be involved and to be partners with him as we try to cause this organization, which over the years has just built into a sporadic stovepipe entity, to be assisted. A lot of times when a political person comes into an organization, the bureaucracy tries to wait it out until the next person comes along. I don't think it can happen any more in any agency than it does in the State Department.

So I look forward to working with the chairman in whatever way he ends up deciding we are going to work together on this particular issue to really look at the State Department. I know Senator KERRY certainly welcomes that.

We most recently had a hearing with Senator Clinton on Benghazi, and there have been Accountability Review Board recommendations that have been put forth, and I know Senator KERRY has said he is certainly going to see those through and make sure they are fully implemented.

I know we talked a great deal in the hearing—and certainly we have done so personally—about our nuclear posture and nuclear modernization, which is a big part of what we discussed during the Start Treaty—something I supported and worked with him on—and I found his comments about where we need to be in that regard certainly reassuring.

I also think he is very clear-eyed as it relates to the threat we face as a nation, especially in north Africa now but in many places as it relates to terrorist groups such as al-Qaida. As a matter of fact, I look at Senator KERRY as a realist. While we have not always agreed on every issue, as the chairman just mentioned, I have always found him to be someone who is open to discussion. I think he wants only the best for our Nation. There is no question that as he moves ahead over the next several years, I am sure he will take positions that in some cases I and others—maybe Senator MENENDEZ—may view as not exactly the course of action that ought to be taken on behalf of our country. But my sense is that he will be open to listening, and I think he will be willing to sit down and talk about that as we move ahead.

He came out of the committee today by voice vote unanimously. As the chairman mentioned, I think he is going to receive a very strong vote of support today here on the Senate floor. As the chairman mentioned, I think that it is good for our Nation, as he goes out across the world representing us, for people to understand that this is someone who received overwhelming support from the Senate.

All of us know we live in a dangerous world. We live in a world that is changing dramatically. We live in a world in which things come over the transom on a daily and weekly basis that are unexpected. I mean, we look at what is happening right now throughout the country of Egypt, which we might not have expected to occur a week ago. To have someone like Senator KERRY, who has spent a lifetime on these issues and understands the history and institutional issues that have bound us or separated us from these countries—having someone like him representing us will be a very good thing.

I join the chairman in supporting him. I know numbers of people will have comments regarding his service here in the Senate but also his future service, and I look forward to listening to that.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Madam President, I would like to join with Senator MENENDEZ and Senator CORKER in urging our colleagues to promptly confirm Senator KERRY as our next Secretary of State.

It is a great honor to serve in the Senate. It is a great privilege and honor to represent the people of Maryland here in the Senate. Part of that special privilege is the people we serve with, the incredible public servants we have had the privilege of serving with in the Senate, and I put Senator KERRY at the top of that list.

He has devoted his life to public service in the finest manner. He is so qualified to assume the responsibilities of Secretary of State. He understands this complex world in which we live and the

differences among countries. Many are strategically important to the United States. Yet they don't share our values. Senator KERRY understands that and understands the importance to advance U.S. interests—we need to understand the concerns of other countries and we need to establish relations with other countries.

He has made a personal commitment to understand the world in which we live. I do not think there has been a Member of this body who has spent more time, gone to more places, met with more people in order to represent our Nation on the international stage. Senator KERRY has always done that with the greatest degree of competency and representing our country in the finest traditions. He has broad experience: experience as a soldier serving in Vietnam, experience as a Senator, 28 years representing the people of Massachusetts in the Senate. We know about his service on the Senate Foreign Relations Committee. I want to talk about two other committees on which he served.

One is the Senate Finance Committee on which I had the pleasure of serving with him. There is no Senator who has taken the fiscal challenges of our country more seriously or understands the impact our fiscal condition has on our national security interests. In fact, during his confirmation hearings he mentioned the need to get our fiscal house in order. I think he understands that and understands the commitment he has, once confirmed and once heading the State Department, to help us bring about fiscal sanity in the United States to do what is necessary worldwide, but also to do it in a most cost effective way.

I also served with Senator KERRY on the Small Business Committee. The small business community did not have a better advocate when Senator KERRY was chairman of that committee. I was pleased how many times we brought out initiatives to help America and small businesses grow because we know the growth engine for jobs has come from small companies. But, clearly, it has been in the last few years that I had the privilege of serving with Senator KERRY as he chaired the Senate Foreign Relations Committee that I got to see so up close and personal his extraordinary commitment to our country and his ability to carry out so many important responsibilities.

Senator KERRY understands our national security, yes, depends upon a strong military, but that also the other key ingredients to national security are diplomacy and development assistance.

We had Secretary Clinton before our committee. Someone mentioned that was about 1.5 percent of the budget, and she corrected it and said it is really less than 1 percent of the budget. Diplomacy and international assistance is less than 1 percent of the budget. We know what we spend on our military is a lot larger than that. All three are important to national security.

Senator KERRY understands that. He understands through diplomacy we can avoid unnecessary military action. He understands through diplomacy we can make America safer. He understands through international development assistance we can strengthen countries, make them more stable, and be less likely to need to use our military. That is the type of leader we need as Secretary of State. We have a great leader today, Secretary Clinton. I think Senator KERRY will follow in that tradition.

Take a look at Senator KERRY's record of advancing America's interests. We have a safer world today through Senator KERRY's efforts. As you know, we approved the New START treaty with Russia, reducing the amount of nuclear weapons between Russia and the United States. That makes this world safer. His record on human rights is well known. From Cambodia to Burma to Kosovo and many other places around the world, Senator KERRY has been a leader in advancing the cause of human rights.

We already heard Senator MENENDEZ point out his efforts in Vietnam. He represented America to get an accounting of our POW/MIAs. It was unprecedented in modern times to be able to go to a country with which we are at war and have that kind of accounting. Senator KERRY used his talent in order to bring closure for many American families, and that was an incredible accomplishment. Then he was able to improve the relationship between the United States and Vietnam, recognizing it is in America's interests that we are able to communicate with other countries.

I particularly appreciate his work on elevating the importance internationally of human trafficking. The United States has taken the leadership in saying, whether you are a receiving country or an origin country or a country of transport, we all have a responsibility to stop what we call modern slavery: the trafficking, usually of young girls, but also sometimes boys. The United States has taken the leadership there.

I like to think Senator KERRY's taking leadership on this started with his position on the Helsinki Commission. He is a former member of the Helsinki Commission. I now have an opportunity of being the Senate chair of the Helsinki Commission. We raised the issue of human trafficking and Senator KERRY was one of the great advocates to advance America's leadership internationally to stop human trafficking. He has protected people with disabilities.

As Senator MENENDEZ mentioned, he has been our leader on energy and climate issues, recognizing the importance of the United States to demonstrate international leadership in order to deal with a global problem, a problem that is important for us to deal with as a citizen of the world but also important for us to deal with in regard to America's economy and America's energy needs and America's security responsibilities. Senator KERRY has been a great leader on that.

He has provided U.S. leadership for humanitarian assistance. I remember the hearings we had in the committee on Haiti and the personal commitment he made to make sure America was in the leadership for a country in our own hemisphere that suffered such a horrible disaster, and his work there was extremely important.

He led our efforts in dealing with HIV/AIDS, in doing the responsible things as far as America's position on that problem. He understands the importance of international development assistance to advance gender equality. It is interesting, if you want to take a look at the health of a country, look at the way they treat their women. We have a pretty strong commitment as far as international development assistance around the world. We need to make sure countries advance the rights of women. It is not only the right thing to do from what we believe as Americans, but it also provides a more stable country for us to have relations with. Senator KERRY understands that.

He has been one of the leaders in fighting corruption in other countries. I will always remember the hearing we had in our committee when former President Clinton and Bill Gates testified before us. These are two individuals who have headed a lot of international development assistance. They have a zero policy in dealing with countries that cannot control corruption because they want to make sure their assistance doesn't go to fuel corruption. Senator KERRY understands we don't want America's international development assistance to be used to fuel corruption. That is the type of leadership we have in the Secretary of State.

The list goes on of what he has been able to do to advance the rights and interests of the United States. I am confident that Senator KERRY's legacy of fighting for democracy, human rights, and global peace will continue as he assumes his new responsibilities as the Secretary of State for the United States of America.

I urge my colleagues to support his nomination.

I thank Chairman MENENDEZ for bringing this nomination to the floor so quickly and thank Senator CORKER for accommodating it. It is important that President Obama has his security team in place as quickly as possible. I am proud the Senate will be doing its share, its work by voting on this nomination later today.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MENENDEZ. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Madam President, I ask unanimous consent—it has been agreed to by the Republican side as well—that any time spent during debate time in a quorum call be equally charged against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PASSING A BUDGET

Mr. CORNYN. Madam President, I rise to speak about taxes, debt, and spending. It is time for President Obama to show real leadership on the biggest threat America faces to our future prosperity. As my good friend the Republican leader has said: If we don't get a handle on spending and debt, not much else matters.

It has now been 1,371 days—almost 4 years—since Democrats, who control the Senate, have brought a budget to the floor and had a vote and passed the budget. Over that time, our national debt has grown by more than $5.2 trillion. Our credit rating has been downgraded because of fears we may not be able to pay back our debt when it is ultimately due, and we have experienced the longest period of high unemployment since the Great Depression.

Since the end of the official recession in 2009, Americans' median household income has fallen by roughly $2,500, while the cost of employer-provided family health insurance has increased by more than $2,300—roughly a comparable amount. Not only has income fallen by $2,500 but costs have gone up—thanks to ObamaCare—by $2,300 for the average family.

Until recently, passing a budget was considered not optional. It was considered a basic responsibility under the law. In fact, the Budget Act requires that Congress pass a budget each year, but this law has been defied for almost 4 years in the Senate.

I realize the Democratic leader—the majority leader—has said he did not want to bring a budget to the floor because he did not want to put his Members through a series of politically tough votes.

We cannot get to this problem by dealing with tax increases. This seems to be the preferred method of dealing with our deficits and debt by raising taxes, which, of course, happened as a result of the fiscal cliff negotiations where taxes have gone up on Americans by roughly $60 billion a year, which will amount to almost $600 billion over the next 10 years. Nevertheless, the President's budgets continue to ask for more revenue, but the message from this side of the aisle has been: The President has gotten his pound of flesh on taxes. Now it is time to deal with spending.

Unfortunately, we no longer have the luxury of delaying our toughest fiscal decisions. Our gross national debt is now larger than our entire economy, and we are now facing more than $100 trillion in unfunded liabilities for things such as Medicare and Social Security. Those are promises we will not be able to keep unless we act now to put them on a fiscally sustainable path.

I am glad our House colleagues have passed the no budget, no pay bill. I think most Americans appreciate the fact that if Congress doesn't do its basic work such as passing a budget—something every family and every small business in America has to do—then it should not be paid.

That has already prompted Senate Democrats to say they are going to take up a budget this year. Senator MURRAY, chairman of the Budget Committee in the Senate, says she intends to mark up a budget. Senator REID and Senator SCHUMER have said they intend to see that a budget is passed by the Chamber. But they have also said they are going to attempt to extract more taxes from hard-working, middle-class taxpayers in order to double down on Washington's spending binge.

Our biggest fiscal problem is excessive spending, not insufficient taxation. We can't raise taxes high enough to close the trillion-dollar-plus annual deficits or to make up this $16.5 trillion hole we have dug. If we don't reduce spending and save Social Security and Medicare, then we will eventually find ourselves in a debt crisis. When that happens is when our creditors—the people who lend us money, including the Chinese and other governments—demand more interest on our loans and, eventually, interest rates go up to historic norms, the debt spirals out of control, and we reach a crisis of monumental proportions: It strangles the economy; it destroys jobs; it destroys our standard of living.

Don't take my word for it. President Obama himself has acknowledged that no amount of tax increases could sustain Medicare in its current form. He has also said public officials who are concerned about preserving government assistance for the elderly and the vulnerable have an obligation—those are his words—have an obligation to reform our entitlement programs and ensure their long-term viability. In other words, the debt is not only the single greatest threat to our national security, as former Chief of Staff Mike Mullen has said, it is also a threat to our ability to provide a safety net to the most vulnerable in our country.

I know Democrats and Republicans alike in this body understand the problem. The President himself understands the problem. In December of 2010, his bipartisan fiscal commission known as Simpson-Bowles reported the nature of the problem and a proposed beginning of a solution. Three of the most conservative Republican Members of the Senate agreed with that commission report. However, rather than embrace it, the President walked away from it, and he has not come back to the table.

We also have another bipartisan commission headed by Alice Rivlin, who was the Director of the Office of Management and Budget under Bill Clinton, and Senator Pete Domenici, longtime chair of the Senate Budget Committee—people who understand these matters better than just about anybody. So there are solid, bipartisan proposals on the table. Yet here we are, trillions of dollars later since the Obama administration began, with no solution in sight.

The President had the American people with their back against the wall with the expiring tax provisions on December 31 which led to the so-called fiscal cliff. If we hadn't acted, taxes would have gone up more than $3 trillion on all Americans. There would have been an enormously negative impact on the economy and jobs. So we had to come up with some sort of stopgap solution. But the President got his pound of flesh. He got his revenue: $600 billion over 10 years.

Now is the time to return to what the President himself has called a balanced approach to deficit reduction. Unfortunately, the President has never even proposed a balanced approach, much less a balanced budget. I can only hope that with his final election campaign behind him and with the new term ahead of him, the President can begin to grapple with and join us as we deal with our long-term fiscal challenges.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BLUMENTHAL. Mr. President, I am here to speak first and very personally in support of the nomination of Senator KERRY to be our next Secretary of State. There is a time when the man and the moment come together in a profoundly historic way. Senator KERRY's nomination to be Secretary of State of the United States at such a time when his leadership can be pivotal in shaping America's role in the world, as a leader for human rights, as well as the use of its extraordinary strategic power for peace.

There is also a time when the woman and a moment come together and that has been so for Hillary Clinton, who has done such extraordinary work, incomparable in transforming America's role in world history. I believe that just as she has met the challenges in guiding American foreign policy and

leading the dedicated men and women of our Foreign Service, so will Senator KERRY rise to the difficult challenges ahead. Senator KERRY's whole life has prepared him for this job, and I have every confidence he will help keep America safe and secure and build our capacity and alliances in pursuit of democracy and a more peaceful world.

Last week, I met with Senator KERRY to share my experiences from a recent visit to the Middle East and Afghanistan and to urge him to immediately take up the issue of the unfolding humanitarian catastrophe occurring within Syria and across its borders in Turkey and Jordan. My experiences came from a trip I took with Senator MCCAIN and Senator WHITEHOUSE, and others of my colleagues who share my impression that drastic and dramatic humanitarian aid must be provided for those refugees.

I am pleased the President has announced an additional $155 million for the Syrian people today. I believe we must also provide aid and assistance to the Syrian Opposition Council. It matters as much how we provide this aid as the total amount we provide. I am very encouraged by Senator KERRY's listening and hearing us, and I look forward to continuing our work with soon-to-be Secretary of State KERRY on this issue and many other vital security concerns.

IMMIGRATION REFORM

One of those concerns on which I also rise concerns and affects American immigration policy. We are truly at a moment when Secretary KERRY and the administration can transform this debate and national conversation with the leadership of Members of this body, including most prominently my colleagues Senator SCHUMER, Senator MCCAIN, and the other members of their bipartisan group who recently unveiled a bipartisan blueprint for comprehensive immigration reform.

One of the things I do as a Senator and did when I was attorney general of our State is to visit the citizenship and immigration ceremonies where people become new citizens of our Nation. It is one of the most moving and powerful of experiences I have seen in public life. The tears in the eyes of these new citizens and their families, in celebration and joy and pride of their becoming citizens of the United States and looking forward to contributing, giving back to this country, reaffirmed my faith not only in this Nation—in its strength and decency and generosity—but also in the men and women who want to come here because they see it as a beacon of freedom and democracy. That is the tradition and ethos that should guide us in seeking comprehensive immigration reform. We have a unique opportunity now—and I will work to fulfill it, to reform our broken immigration system as a member of the Judiciary Committee and most particularly its Immigration Subcommittee. I look forward to playing a leading role in achieving this group's working blueprint for comprehensive reform.

Establishing a path to citizenship, securing our borders, making employers more accountable, ensuring that the DREAMers—young people brought to this country as infants and young children—can find a way to citizenship are all goals that are fulfilled by this blueprint.

We have an obligation, an opportunity that is compelling, absolutely historic, to change the discussion and debate, but also the outcome, and we should seize that opportunity, make sure this moment is fulfilled, I think, particularly for those DREAMers. For them, this moment and every moment is precious. They are young people who are in our schools, in our military, seeking a way to be citizens of the only country many of them know. They speak English. It is the only language most of them know. They have friends and a life here. It is the only life they have.

The administration, rightly and commendably, has provided an administrative route to temporary reprieve from the laws that would result in their deportation. But they need the certainty and security of a law that gives them a real path to citizenship, not at some point in the indefinite future but now.

The DREAM Act that Senator DURBIN has fought so hard and valiantly over so many years to achieve deserves passage now. I will continue to come to the floor with photographs of the DREAMers, as I have done week after week, to make sure their fate and future is on our minds.

Today, I also want to speak about another related immigration issue—the Immigration Innovation Act of 2013, known as the I-squared bill, which was introduced in the U.S. Senate today.

I am proud to be an original cosponsor of it. I know firsthand from talking to employers in the State of Connecticut, and all around not only our State but the country, how significant this measure could be to attracting and retaining people with the skills America needs to remain the greatest Nation in the history of the world.

I thank Senators KLOBUCHAR, HATCH, COONS, and RUBIO for their leadership on this issue. The I-squared bill has a very simple objective, which is to ensure that America's innovative companies are able to access high-skilled workers who would go back to their countries of origin when we need them here.

In some areas, such as computer science, the demand for workers greatly exceeds the labor pool available of U.S.-born workers. Senator HATCH described on the floor of the Senate how in this decade the American economy will create a demand for an estimated 120,000 computer science jobs requiring at least a bachelor's degree, but U.S. universities will generate only an estimated 40,000 graduates in that field.

So just to take that one example—just that one example—there is a gap we need to fill to keep our companies competitive. I have heard about this issue from Connecticut employers big and small. There are jobs. They exist. We need the people who have the skills to fill them.

The I-squared bill seeks to fill that gap, most importantly, by allowing high-skilled workers, who are foreign born but often U.S. educated, to fill some of those jobs in high-need areas. The legislation makes sense because it makes it easier for U.S.-educated holders of advanced degrees in science, technology, engineering, and math to obtain green cards.

The bill also, importantly, generates new revenue through fees that visas and employment-based green cards will provide, and it directs funds to promote STEM education and worker retraining at the State level—STEM being science, technology, engineering, and math.

This measure is about American competitiveness. We ought to make a priority of STEM education for young people in our country who are born here and raised in the United States. But we must be open to creating jobs for American workers in the most innovative sectors of society and making it easier for those industries to thrive by attracting people from throughout the world to the United States as a beacon of opportunity, a land of unlimited potential accomplishment.

We are a nation of immigrants. We are great because of our diversity. We are strong because we have always attracted people who want freedom and the potential to do their best, accomplish the most, and realize the full extent of what they can achieve.

I again thank Senators KLOBUCHAR, HATCH, COONS, and RUBIO for their leadership. As a member of the Judiciary Committee, as well as the Immigration Subcommittee, I look forward to working with them on this important legislation in the months ahead.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I rise today to express my strong support for the nomination of JOHN KERRY to be our next Secretary of State.

As a friend and colleague for more than 20 years, I can think of no one who is more qualified and better prepared to be our Nation's chief diplomat.

He has the intelligence, judgment, compassion, determination, and above all, leadership experience to help the administration confront and find common sense solutions to the multitude of foreign policy challenges now before us.

His story is well known to those of us who have worked side by side with him for so many years.

The son of a distinguished foreign service officer, his understanding of the

world and America's critical role in it began at an early age. He learned the value of American diplomacy and the indispensable role played by our diplomats here in Washington and at our consulates and embassies around the world.

He served with distinction and honor in Vietnam, earning a Bronze Star, a Silver Star, and three Purple Hearts. He saw first hand the costs of war, and he recognized that military force must be used wisely and only after all other options have been exhausted.

After 2 years as Lieutenant Governor of Massachusetts, he came to the Senate in 1985 and took his place on the Senate Foreign Relations Committee, rising to the position of chairman in 2009.

As a member of that committee and its leader, he demonstrated the qualities that will serve him well as Secretary of State.

He did his homework, and he asked tough questions. He traveled the world and engaged key leaders, gaining their respect and confidence. He developed an admirable track record of listening carefully to both sides of an issue and developing the relationships on both sides of the aisle necessary to forge bipartisan agreements.

From re-establishing diplomatic relations with Vietnam and organizing the ratification of the New START Agreement to managing our relationship with Pakistan and Afghanistan, fighting the HIV/AIDS pandemic, and addressing the threat posed by climate change, Senator KERRY has clearly left his mark on United States foreign policy.

As President Obama noted, ''John has played a central role in every major foreign policy debate for nearly 30 years.''

And that experience will serve him well as Secretary of State.

Indeed, we live in challenging and constantly evolving times.

We have ended the war in Iraq, and our mission in Afghanistan is winding down. But the threat of global terror endures.

We have seen the Arab Spring topple autocrats and bring hope for a new future. But the ultimate fate of those countries and their commitment to democracy, human rights, and the rule of law remains uncertain.

We have enacted a robust set of bilateral and multilateral sanctions on Iran and launched a diplomatic initiative through the P5+1 process, but its nuclear program continues.

We have built a close and mutually beneficial relationship with China, but there are lingering questions about its human rights record and its growing military assertiveness, particularly in the South China Sea.

And we have seen how our humanitarian and development assistance programs can lift people out of poverty in the developing world; yet nearly 2.5 billion people still live on less than $2 a day.

These are just some of the items that will be on Senator KERRY's agenda as Secretary of State.

I know he understands that in facing these challenges American leadership is essential but we will also need the help and cooperation of our friends, allies, and partners in the international community.

I know he understands that the strength of this country lies not just in our military but in the power of our ideas.

And I know he understands that in order for the United States to lead, we must maintain a strong and effective international affairs budget.

We will certainly miss Senator KERRY's leadership and experience in the Senate. But I am heartened to know that he will continue to serve his country and bring those skills to the State Department, representing the United States around the world.

I urge my colleagues to support Senator KERRY's nomination to be our next Secretary of State.

Ms. MIKULSKI. Mr. President, I am pleased to stand here today to support President Obama's nomination of my esteemed colleague, Senator JOHN KERRY, to serve as our Nation's next Secretary of State.

Senator KERRY has had a long career of service to the American people. We have served together in the Senate for 26 years and I look forward to continuing our relationship. As a Senator he has always approached his work with seriousness and dedication. Nowhere can this be seen more than in his work as a member of the Senate Foreign Relations Committee, where he has shown a mastery of the challenges that face our global community.

As the Chairman of the Foreign Relations Committee he has played a prominent role in the establishment of U.S. foreign policy. He has traveled the globe and built relationships and coalitions with international leaders. Most importantly, he has demonstrated an ability to balance our Nation's long history of diplomacy with our changing national security needs. The unanimous support given to him by the Foreign Relations Committee exhibits the respect and confidence he has earned from this body.

The Department of State faces evolving challenges that reflect our increasingly interconnected world and require a modern approach to diplomacy. Senator KERRY will lead a team that must confront global security challenges and ensure the security of our diplomatic corps and their families. I am confident that Senator KERRY will meet these challenges, and I will work with him to ensure that the State Department and its employees have the resources they need to serve their mission.

While I am sorry to see Secretary Clinton leave her post after 4 successful and productive years, I am pleased to know that Senator KERRY will take on the role with the same dedication. I call on my colleagues to join me in approving his nomination to Secretary of State.

Mr. LEVIN. Mr. President, JOHN KERRY is a valued colleague and a loyal friend, and we will miss him in the Senate. But at a time when our Nation faces complex and difficult challenges around the globe, he is especially well qualified to serve as Secretary of State, and I strongly support his confirmation.

Unquestionably, Iran is at the top of the list of challenges the next Secretary of State will face. Senator KERRY has supported efforts in the Senate, including sanctions language included in the defense authorization acts for 2012 and 2013, that have helped isolate the Iranian regime. At his confirmation hearing, Senator KERRY succinctly stated the Obama administration's policy on Iran:

> We will do what we must do to prevent Iran from obtaining a nuclear weapon and I repeat here today: Our policy is not containment, it is prevention and the clock is ticking on our efforts to secure responsible compliance.

Senator KERRY will be an effective and dedicated executor of that policy as we unify the international community in our efforts to prevent the Iranian government from developing nuclear weapons.

Another significant challenge for our foreign policy is the volatile Afghanistan-Pakistan region. Here again, Senator KERRY's unique qualifications will serve our Nation well. He strongly supports the plan for transitioning the security lead to Afghan forces so they can provide for their own security. He has established a critical relationship with President Karzai that will strengthen our bilateral relations as we define the enduring strategic relationship between the United States and Afghanistan for post-2014. Senator KERRY understands the importance of negotiating a bilateral security agreement that provides our troops the necessary protections, including legal immunity, for a limited force to continue to train, advise and assist the Afghan forces and conduct counterterrorism operations after 2014. Senator KERRY also has significant experience engaging with Pakistan, which remains key to efforts to establish security and stability in South Asia. Through the Kerry-Lugar-Berman Act and other efforts, Kerry has led efforts to strengthen civilian institutions in Pakistan and to reset our bilateral relations.

Senator KERRY also recognizes, as he said during his confirmation hearing, that ''[m]ore than ever, foreign policy is economic policy.'' Those words will hearten working families in my State and across the Nation whose well-being is increasingly connected to our economic competitiveness around the world, our ability to engage with other nations to ensure that our companies and workers have the opportunity to compete in the global marketplace on an equal footing, and our recognition that economic competition today is

not just among companies, but also among the countries that support their companies and workers. I look forward to working with Senator KERRY as we bring all the levers of American policy to bear on this issue of paramount importance to American prosperity.

Another issue on which I look forward to cooperating with Senator KERRY is our policy toward Cuba. Senator KERRY and I have similar voting records on United States policy towards Cuba. We also both recognize the need for policy that places maximum pressure on the Cuban regime to democratize. However, our voting records maintain that our Cuba policy is counter-productive in promoting change in Cuba. I look forward to working with Senator KERRY to rebalance our approach to Cuba as we look forward to a new era in that nation's history and its relations with us.

Throughout his public career, JOHN KERRY has proven his dedication not just to America's interests, but to its values. Indeed, he recognizes that our ability to defend our interests around the world depends on adherence to the values that make the United States a beacon of freedom and opportunity. He has spoken with eloquence about the need to combat violence and extremism around the world not just with our military might, but with the power of our ideas. As he said in his confirmation hearing, ''America lives up to her values when we give voice to the voiceless.'' His commitment to aiding those around the world whose lives have been shattered by war, repression or disaster is in keeping with those values.

Senator KERRY knows personally the cost of war and the value of peace. He knows the difficulty of the challenges we face, and the importance of American leadership in facing those challenges—leadership important not just to our Nation's security and prosperity, but to the world's. He has been an outstanding servant of the American people, and I am confident he will continue that record of extraordinary service as our next Secretary of State.

Ms. KLOBUCHAR. Mr. President, I am proud to support the confirmation of our colleague Senator KERRY to be Secretary of State. Senator KERRY is one of our Nation's great leaders in foreign affairs, and has been since he arrived in the Senate 28 years ago. His remarkable record speaks for itself, but I would especially like to recognize and thank him for his service as chairman of Foreign Relations Committee over the past 4 years.

In addition to his hands-on diplomacy in Afghanistan, Pakistan, Sudan, and elsewhere around the globe, Senator KERRY has fought to bring up more treaties for Senate consideration. We of course remember his leadership during the consideration of the New START treaty in 2010, which has enabled a responsible reduction of our nuclear arsenal in concert with Russia. But he also worked to bring forward the Convention on the Rights of Persons with Disabilities and held hearings on the Convention on the Law of the Sea, two important international agreements that the United States has not ratified. Trying to shepherd treaties through the Senate is a much less glamorous task than traveling to summits overseas, but Senator KERRY approached them with the same level of passion and energy. He fought for these treaties because he truly believes in the importance of American leadership in the world, and he understands that that leadership does not come solely from our military strength but our commitment to dialogue and diplomacy.

Senator KERRY will undoubtedly serve as Secretary of State with the same honor and integrity that have defined his career. It will be up to us to continue his legacy in the Senate, and I look forward to continuing to work with him as he takes on this new challenge.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I believe the business before the Senate is the confirmation of JOHN KERRY as Secretary of State, to which I would like to speak. I actually rise in support of two Senators, one former and one current, as America's Secretary of State.

Last week, both were guests at the Foreign Relations Committee which I served on and both did an outstanding job. The Secretary of State, former Senator from New York, Hillary Clinton, has served the U.S. interests with distinction. She championed a diversity of causes that strengthen our security and at the same time improved the lives of so many around the world, particularly women and children.

Secretary Clinton leaves an incredible legacy in her diplomatic efforts. There is no one more suited or more qualified to take up the challenges and promise than my friend and colleague and our mutual friend Senator JOHN KERRY of Massachusetts.

JOHN KERRY came to the Senate almost 30 years ago. From his first days as a freshman, he served with distinction on the Senate Foreign Relations Committee. As a Navy patrol boat captain in the Vietnam war, he had notable and lasting exposure to complex foreign policy challenges and the wars that result when diplomacy fails.

Certainly one lesson he brought back with him was the heavy and all too personal knowledge of the consequences of war. But his experience in representing the U.S. interests abroad did not begin in this institution. Rather, the journey to his nomination for Secretary of State began when JOHN KERRY was a child, when his own father was a Foreign Service officer. JOHN tells fond stories about his time as a child living in Berlin while his father was stationed there.

During those years, he developed a profound respect for the men and women of the Foreign Service, their sacrifice, their dedication, and their ability to demonstrate the values of our democracy. During his tenure as a Senator from Massachusetts and from 2009 as the chairman of the Senate Foreign Relations Committee, JOHN KERRY has been a tireless leader on behalf of the American people to ensure that our security remains strong and our interests well represented around the world.

He has been a leading voice on the Iran-Contra investigation, the war and fragile peace in Afghanistan, arms control and verification, building lasting ties with Pakistan, and perhaps in his most personal contribution, opening diplomatic relations with Vietnam. I would like to speak to that for a moment, if I can, because it is a personal story I would like to share.

It was JOHN KERRY and JOHN MCCAIN, more than any others, who moved us from that stage in our history where we shunned the people of Vietnam to the point where we recognized their country, established normal relations with them, and built a new relationship. There were no better Senators to do it than JOHN KERRY and JOHN MCCAIN, both of whom were decorated veterans of the Vietnam war, both of whom gave so much in that conflict, particularly Senator MCCAIN, spending 5 years as a prisoner of war in Vietnam. They worked hard to establish normal relations with that country and to put behind the bitterness and the war that had divided the two countries, the United States and Vietnam.

It was not easy. One of the issues front and center was the question of prisoners of war and missing in action. There were all sorts of rumors and speculation that, in fact, there were still Americans being held prisoner in Vietnam. That rumor was very strong across America. There was a lot of criticism of the Vietnamese in not cooperating with us in trying to identify anyone still remaining or the remains of American soldiers who died in that conflict.

JOHN MCCAIN and JOHN KERRY came together and put an incredible bipartisan voice to resolving these issues. It came to my attention because it was about the time when I was elected to the Senate in 1996. I served in the House of Representatives with an extraordinary individual, Pete Peterson of Florida.

Pete Peterson had been an Air Force pilot in the Vietnam war, shot down, and himself imprisoned in a POW camp for more than 5 years. He was a quiet person and did not talk much about it. But one day, I kind of provoked him at lunch, and he started talking about what it meant to live in isolation for 5 years, how they coped, how they survived, and the impact it still had on his life.

President Clinton at that moment decided it would be a significant symbol that the first Ambassador of the United States to Vietnam would be Pete Peterson of Florida, a man who

had been held as a POW by the Vietnamese would return as American's voice in that new country. He was brought before the Senate for confirmation.

I remember saying to my staff when I came over here: Be sure and tell me when Pete Peterson's nomination comes to the floor. I want to say a few words about my friendship with him and what he means to me and how important this appointment is. Time passed. I did not hear anything. Then there was a ''60 Minutes'' program on that I happened to watch. It was all about Pete Peterson becoming the Ambassador to Vietnam. I came back to my staff. I was upset. I said: You were supposed to tell me when this happened so I could get up and give a speech and say something nice. They said: It never happened. ''60 Minutes'' is speculating. The fact is, Pete Peterson's nomination has been put on hold—a secret hold in the Senate.

I could not believe it. I called Pete Peterson. I think he lived in Jupiter, FL, at the time. I said to him: Pete, what is going on here?

He said: DICK, I am about to give up. It has been almost 1 year since President Clinton named me to the spot and I cannot clear the Senate. Somebody is holding me up. I do not know who it is. I have to get on with my life.

I said: Let me at least talk to some people. So I came to the floor. The first person I looked for was JOHN KERRY and then JOHN MCCAIN. They said: Yes; there is a hold, but we are trying to work through it.

I said: You know, if you cannot get this done and done quickly, then I think there has to be a speech on the floor that says: Holding Pete Peterson in a POW camp for 5 years is bad enough, but the Senate holding his nomination as Ambassador is unforgivable. We need to vote on Pete Peterson. He has given so much to this country.

It is credit to JOHN KERRY and JOHN MCCAIN that they quieted down this new Member of the Senate and said: Let us get this done quietly. They did. Pete Peterson went on to serve as Ambassador in Vietnam. He was a widower at the time. He met a lovely young Vietnamese-Australian woman. They married. They now live in Australia and we keep in touch from time to time. But I think of that moment in time in our history when JOHN KERRY and JOHN MCCAIN showed what diplomacy and careful consideration can do.

We not only established relations with Vietnam, we sent a great individual to serve as its first Ambassador. They did it quietly and effectively. Can he be a great Secretary of State? You bet he can. I will be the first to tell you that I saw his skill firsthand when I came to the Senate. If confirmed, he will bring a breadth of experience to global challenges, some new and some which we cannot even anticipate as we debate this matter. The list is vast and formidable: Iran, Syrian, North Korea, cyber security, failed and fragile states, and democratic backsliding in Russia, to name a few.

One of the issues JOHN KERRY has tackled for many years that will desperately need attention, and the President highlighted in his inaugural address, is that of climate change. As was mentioned during his nomination hearing last week, climate change is the one of the most pressing and consequential issues of our time. It is not just an environmental issue, it is a moral issue. What kind of planet will our generation leave for our children and grandchildren? How will history judge us if we ignore the evidence and warning signs and do nothing to head off climate catastrophes? Senator KERRY is uniquely qualified to address this great moral challenge. He knows if we are ever going to get China and India to take responsibility for their carbon emissions, we have to start from a strong position of legitimacy, having taken these steps ourselves.

He knows when the United States tackles climate change, it also increases our diplomatic standing and reputation around the world. He knows tackling climate change will help prevent a host of terrible global problems, from famine, water shortages to political instability, any of which can draw the United States into a costly or bloody conflict.

Addressing climate change is in our vital national, economic, and security interests. I know JOHN KERRY will tackle this and many other challenges that await him at the State Department. He has been a trusted and admired colleague of mine and so many others in the Senate. I have enjoyed his work on the Senate Foreign Relations Committee. I wish to especially thank him for calling the Convention on Disability Treaty for consideration by the Senate. I am sorry it did not pass, but it was not for lack of effort by JOHN KERRY.

His passionate pursuit of a safe and just Nation and world, his deep sense of patriotism and commitment to America's most challenged values are well documented. While I am sorry to lose him in the Senate as a colleague, I can think of no better person to serve as our Nation's next Secretary of State. I congratulate JOHN KERRY on his nomination. As a friend and colleague, I urge my fellow Senators to swiftly confirm JOHN KERRY so he can get about the work of making America a safer nation.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, it is my understanding we are coming to the end of the time on this debate—or consideration, I should say. There has really been no debate. I think that speaks to Senator KERRY's tremendous standing in the Senate on his nomination as Secretary of State.

This is a Member of the Senate who has an extraordinary American history. After volunteering for the U.S. Navy during the Vietnam war, Senator KERRY was awarded a Silver Star, a Bronze Star, and three Purple Hearts. Upon returning home, he continued his efforts to fight for and protect the veterans who served beside him in combat, joining with others to found the Vietnam Veterans for America organization, working tirelessly for veterans' benefits.

With over three decades of foreign policy and national security experience under his belt, Senator KERRY is uniquely qualified to serve as the next Secretary of State. A decorated Vietnam combat veteran, dedicated public servant, with deep experience in international affairs and close relationships with Presidents and Prime Ministers throughout the world, he will have an extraordinary beginning to his job as Secretary of State.

He has demonstrated time and time again his ability to build coalitions and craft compromises. He has amassed a broad record of foreign policy accomplishments and has distinguished himself as one of the Nation's most respected voices on national security.

I look forward to a very strong bipartisan vote that sends a very clear message to the world: This is America's representative. This is our Secretary of State. I believe he has earned that vote and that respect through a lifetime of work and the tremendous collegiality he has had among Members on both sides of the aisle, including those who may not agree with him on any given issue but have always respected the manner in which he has approached that issue.

Mr. President, understanding there are no other speakers wishing to come before the Senate on this matter, I yield back all time.

The PRESIDING OFFICER. The question is, Shall the Senate advise and consent to the nomination of John Forbes Kerry to be Secretary of State?

Mr. MENENDEZ. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KERRY (when his name was called). Present.

Mr. DURBIN. I announce that the Senator from Washington (Mrs. MURRAY) is necessarily absent.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from North Dakota (Mr. HOEVEN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 3, as follows:

[Rollcall Vote No. 5 Ex.]

YEAS—94

Alexander	Gillibrand	Murphy
Ayotte	Graham	Nelson
Baldwin	Grassley	Paul
Barrasso	Hagan	Portman
Baucus	Harkin	Pryor
Begich	Hatch	Reed
Bennet	Heinrich	Reid
Blumenthal	Heitkamp	Risch
Blunt	Heller	Roberts
Boozman	Hirono	Rockefeller
Boxer	Isakson	Rubio
Brown	Johanns	Sanders
Burr	Johnson (SD)	Schatz
Cantwell	Johnson (WI)	Schumer
Cardin	Kaine	Scott
Carper	King	Sessions
Casey	Kirk	Shaheen
Chambliss	Klobuchar	Shelby
Coats	Landrieu	Stabenow
Coburn	Lautenberg	Tester
Cochran	Leahy	Thune
Collins	Lee	Toomey
Coons	Levin	Udall (CO)
Corker	Manchin	Udall (NM)
Crapo	McCain	Vitter
Donnelly	McCaskill	Warner
Durbin	McConnell	Warren
Enzi	Menendez	Whitehouse
Feinstein	Merkley	Wicker
Fischer	Mikulski	Wyden
Flake	Moran	
Franken	Murkowski	

NAYS—3

Cornyn	Cruz	Inhofe

ANSWERED ''PRESENT''—1

Kerry

NOT VOTING—2

Hoeven	Murray

The nomination was confirmed.

The PRESIDING OFFICER. The motion to reconsider is considered made and laid upon the table.

Under the previous order, the President will be immediately notified of the Senate's action.

Mr. SCHUMER. Mr. President, I know Senator KERRY will be speaking tomorrow, so I will be brief. I think I speak on behalf of every one of us here that we so admire the job Senator KERRY has done in the many different phases of his past life. We are excited he will be our Secretary of State, and for JOHN KERRY I think the best is yet to come.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The Senator from New York.

MORNING BUSINESS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask to speak in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSPARENCY AT HUD

Mr. GRASSLEY. Mr. President, my fellow Members know the issue of transparency is a very favorite topic of mine, and I come to the floor to speak about transparency as it relates to a very specific problem within the Department of Housing and Urban Development. It is no secret I have worked to bring greater transparency and accountability to all parts of the Federal Government because with transparency I think we get more accountability.

The voters of Iowa have entrusted me to continue my oversight responsibilities no matter who occupies the White House, and since I am a Republican, people might think I am doing it because we have a Democratic President. I think I have a reputation for being an equal opportunity overseer of the executive branch of government.

For several years I have been conducting oversight of the U.S. Department of Housing and Urban Development; everybody knows this is commonly referred to as HUD, H-U-D. HUD's core mission, according to its Web site, is to ''create strong, sustainable, inclusive communities and quality, affordable homes for all.'' These responsibilities have grown larger and more complex over the last few years. The mortgage crisis continues to affect the housing market.

Secretary Donovan was recently tapped to oversee the Hurricane Sandy recovery in the Northeast. HUD's yearly budget is nearly $38 billion. Secretary Donovan should understand the importance of oversight and transparency to combat waste, fraud, and abuse. I have my doubts, though, because while I have sent dozens of letters to HUD, the Secretary has not signed a single reply. The responses I do receive are often months late and don't answer some of my most pressing concerns.

For instance, last August I sent a letter requesting information on conference spending and employee bonuses. HUD provided no conference spending documents but instead urged me to review a list of inspector general audit reports. My staff has reviewed these audit reports, but none of the audit reports provide a comprehensive review of conference spending. What is even more frustrating is that the response never referenced bonus spending at all. It seems oversight and transparency are not high priorities at the Department of Housing and Urban Development.

Every year HUD provides at least $4 billion to public housing authorities across the country—along with nearly $19 billion of section 8 vouchers. In 2009, the Obama administration provided yet another $4 billion in stimulus funding for the housing authorities—all with little or no oversight. Public housing authorities operate in a gray area. HUD argues that they are State and local government entities, and it is thus—according to HUD—State and local governments that bear the primary responsibility for the housing authority actions. Up to 90 percent of their total funding comes from the Federal Government, thus making it HUD's responsibility to ensure the money is spent as intended.

My office went to work to determine the compensation packages for a handful of housing authorities spread around the country—mostly in the larger cities. Some authorities would not provide responses, but others responded with some troubling answers. It became apparent many executive directors were living very high on the hog. The fact is executive salaries, and other compensation at some public housing authorities, were a major problem and the amounts were then hidden from the taxpayers.

Some housing authority executive directors were earning high six-figure salaries and benefits that sometimes included a vehicle, housing allowance, and lucrative bonuses. Many of the executive directors were making more than even the Governor of the State they were located in. From Los Angeles, CA, to Boston, MA, they were raking in huge salaries. Unfortunately, no one at the HUD Headquarters in Washington, DC, was watching or even showed any concern.

In Philadelphia, the executive director's salary was $300,000, plus a $45,000 bonus. He had a housing authority car and driver, and the housing authority actually paid his mortgage. This money is supposed to help people with very low incomes afford safe and decent housing, but instead they were concerned about their own salary and their own housing. The taxpayers' money was meant to go to the lower income people for safe and decent housing and all the money was not being used for that. It is not supposed to subsidize the housing costs of a government bureaucrat in Philadelphia who already makes $345,000 a year. In Chelsea, MA, the executive director's salary was $360,000. He cashed out weeks of unused leave and sick time while only spending about 15 full days per year in the office.

These executive directors used taxpayers' money to build and protect their own fiefdoms, usually at the expense of the poor. In Philadelphia, this included spending millions of dollars on an army of well-connected lawyers. Ironically, these lawyers were paid with taxpayers' money to thwart investigations that were aimed at safeguarding taxpayer money. The HUD Office of Inspector General had done battle with these armies of lawyers over and over around the entire country, and the taxpayers are funding both sides of the fight.

In addition, no-bid contracts and contracts steered toward friends seemed to be common at many housing authorities.

As early as October 2010, I asked HUD to provide salary and compensation information for executive directors at

the 25 largest housing authorities. Instead of numbers, I received the following statement:

In response to your questions related to Executive Directors' salaries, currently HUD does not regulate compensation for Housing Authority executive directors. However, in light of what has taken place with the Philadelphia Housing Authority, HUD is working closely with our Office of General Counsel to assess this policy.

It is pretty obvious that is not an answer to anything I asked. HUD needs to take this issue far more seriously.

Last Wednesday, the director of the Chelsea Housing Authority was charged with four felony counts. According to the Boston Globe, he was indicted for deliberately concealing his salary from State and Federal entities. I hope this is a warning to other housing authorities that abuse of taxpayers' dollars is totally unacceptable. I commend HUD Inspector General David Montoya, the U.S. Attorney's Office in Massachusetts, and, of course, the FBI for vigorously investigating the problems in Chelsea. Others around the country need to take note of what happened in Chelsea. I understand this investigation continues, so stay tuned.

The No. 1 priority for HUD and these directors should be to provide what the law intends with the taxpayers' money—to provide safe, decent, and sanitary housing for people in need instead of lining the pockets of directors. Feathering their own nests seems to have been the focus of some for far too long. Unfortunately, instead of getting straight answers from HUD, I must rely on courageous whistleblowers and newspaper accounts to actually get these facts.

Due to mounting pressure, HUD requested the compensation data for the top five highest compensated employees at housing authorities across the country. The results must be really embarrassing because the Obama administration would make only aggregate data available to the public. That way, the administration has made it impossible to tell which authorities are the worst offenders.

I asked that HUD make all salary data public in a June 2000 letter I wrote to Secretary Donovan. It is one of many letters the Secretary has failed to answer. In fact, no one at HUD responded to the letter at all. I have also sent letters to HUD requesting information about conference and travel spending, as well as the number and the cost of take-home vehicles for HUD and all public housing authorities. Letters were also sent about problems at New York City, Houston, and Port Arthur, TX, housing authorities in those cities. I am still waiting for responses from Secretary Donovan.

Most recently, I sent letters in October of 2012 to Senate appropriators and the Senate Banking Committee with jurisdiction over these issues. There needs to be public hearings into the massive waste of taxpayers' money at HUD. My colleagues need to know the extent of the problems and that I am ready to work with Members of this body to address these issues.

Mr. President, before I finish, I ask unanimous consent to have the referenced letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, October 17, 2012.

Hon. ROBERT MENENDEZ,
Chairman, Subcommittee on Housing, Transportation, and Community Development, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.

Hon. JIM W. DEMINT,
Ranking Member, Subcommittee on Housing, Transportation, and Community Development, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.

DEAR CHAIRMAN MENENDEZ AND RANKING MEMBER DEMINT: Since March 15, 2010, I have been investigating the Department of Housing and Urban Development (HUD). During those two years I have been writing to HUD Secretary Shaun Donovan regarding concerns about waste, fraud, and abuse of taxpayer money by Public Housing Authorities (PHAs). Many of those letters have gone unanswered, and I ask for your help to receive responses from HUD. I have attached copies of the most recent correspondence for your review.

Many PHAs continue to receive funding despite having a long track record of such problems. Over the weekend the Boston Globe reported on numerous issues that plague PHAs in Massachusetts, and I have attached the article for your review. These problems have been found at PHAs large and small across the country. Most recently, I have raised concerns about HUD conference spending, PHA take-home vehicle abuses and the need for greater transparency of PHA executive director compensation packages.

Given your responsibilities as Chairman and Ranking Member of the Housing, Transportation, and Community Development Subcommittee with jurisdiction over HUD programs, I'm seeking your help. These issues need to be investigated thoroughly, and it is your subcommittee's responsibility to ensure that tax dollars meant to provide housing to the poor are not further wasted or diverted to other purposes. Ultimately, it is the residents of public housing who are being cheated and abused as a result of this mismanagement.

Thank you for your prompt attention to these important issues.

Sincerely,

CHARLES E. GRASSLEY,
Ranking Member.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, October 17, 2012.

Hon. PATTY MURRAY,
Chairman, Subcommittee on Transportation, Housing, and Urban Development, and Related Agencies, Committee on Appropriations, U. S. Senate, Washington, DC.

Hon. SUSAN M. COLLINS,
Ranking Member, Subcommittee on Transportation, Housing and Urban Development, and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR CHAIRMAN MURRAY AND RANKING MEMBER COLLINS: Since March 15, 2010, I have been investigating the Department of Housing and Urban Development (HUD). During those two years I have been writing to HUD Secretary Shaun Donovan regarding concerns about waste, fraud, and abuse of taxpayer money by Public Housing Authorities (PHAs). Many of those letters have gone unanswered, and I ask for your help to receive responses from HUD. I have attached copies of the most recent correspondence for your review.

Many PHAs continue to receive funding despite having a long track record of such problems. Over the weekend the Boston Globe reported on numerous issues that plague PHAs in Massachusetts, and I have attached the article for your review. These problems have been found at PHAs large and small across the country. Most recently, I have raised concerns about HUD conference spending, PHA take-home vehicle abuses and the need for greater transparency of PHA executive director compensation packages.

Given your responsibilities as Chairman and Ranking Member of the Appropriations Subcommittee with jurisdiction over HUD funding, I'm seeking your help. These issues need to be investigated thoroughly, and it is your subcommittee's responsibility to ensure that tax dollars meant to provide housing to the poor are not further wasted or diverted to other purposes. Ultimately, it is the residents of public housing who are being cheated and abused as a result of this mismanagement.

Thank you for your prompt attention to these important issues.

Sincerely,

CHARLES E. GRASSLEY,
Ranking Member.

Mr. GRASSLEY. To sum up, oversight, whether it is about HUD or any government bureaucracy, is necessary to protect the taxpayers. I take this duty seriously. I am not going away and will continue to vigorously oversee problems at HUD. I urge Secretary Donovan to make executive compensation and all funding data available to the public. It would shed light in an area that has rarely been seen with the light shining in. As some Supreme Court Justice said sometime, sunlight keeps mold from happening, or something to that effect.

Transparency is not the only solution, though. HUD also needs to put controls in place to prevent waste, fraud, and abuse. But transparency may be the quickest and most effective way to curb the worst abuses. The Obama administration could release that executive compensation data today if it wanted to, and it should release that data.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KING). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. WARREN). Without objection, it is so ordered.

(The remarks of Mr. HARKIN pertaining to the introduction of S. 168 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

TRIBUTE TO SECRETARY OF STATE HILLARY CLINTON

Mr. HARKIN. Madam President, on what is her final day as Secretary of State, I would like to express my admiration and gratitude to Hillary Rodham Clinton for the extraordinary job she has done over the last 4 years. I agree wholeheartedly with President Obama who said she has been one of the finest Secretaries of State in our Nation's history.

When she took on this responsibility in January 2009, Hillary Clinton was already one of the most celebrated and accomplished women in the world. Certainly her reputation and renown have been tremendous assets as she worked to restore America's standing in the world.

Over the last 4 years, Hillary Clinton has been the ultimate workhorse public servant as opposed to the showhorse. This comes as no surprise to me and other former colleagues in the Senate. We know she is a leader of extraordinary substance and a talent with an amazing work ethic.

Secretary of State Clinton has set records as the most traveled Secretary for time in office, visiting some 42 countries just in the last year alone. She will be remembered for her tireless efforts to promote the empowerment of women worldwide and for her many demonstrations that ''smart power'' and assertive diplomacy can be far more effective than so-called ''hard power'' and military interventions.

I am especially grateful to Secretary of State Clinton for insisting on robust assistance to Haiti in the wake of the devastating earthquake of 2010. In addition, following my visit to Vietnam in 2010, and just prior to her own visit, we talked and I had urged her to pledge America's commitment to helping Vietnam clean up the sites contaminated by Agent Orange. She agreed wholeheartedly, and this is one way she has been very successful in repairing the breach with our former adversary and doing what is right and just for the victims of Agent Orange in Vietnam.

I have many fond memories of Hillary Clinton's 8 years here in the Senate. During that entire tenure, we served together on the Committee on Health, Education, Labor, and Pensions. In that role, as in her previous role as First Lady, she was an outspoken advocate for health care reform, fighting tirelessly to secure quality affordable health care for all Americans. Although she was no longer in the Senate when the Affordable Care Act passed and was signed into law, she shares enormous credit for laying the groundwork of that historic achievement.

Hillary Clinton has been a wonderful friend to my wife Ruth and to me, and, of course, from her many campaigns in my State, she has so many friends all across the State of Iowa. So she is retiring from the Department of State, but we all know that by no means is she a retiring person. There are many vivid chapters yet to be written in the story of Hillary Rodham Clinton. I wish her a richly deserved rest and much success and happiness in the years ahead.

CONGRATULATING JOHN KERRY

Mr. HARKIN. Madam President, as we say goodbye to Secretary Clinton in her capacity as Secretary of State, we say welcome aboard and congratulations to my good friend Senator JOHN KERRY on the resounding confirmation of his nomination to serve as our next Secretary of State. His departure will be a tremendous loss to the Senate, but I respect President Obama's decision to tap him for this absolutely critical position. There is no one in the United States better qualified by experience, knowledge, and temperament to step into this extraordinarily demanding job.

To repeat what my colleagues already know, but it always bears repeating, after volunteering to serve in the U.S. Navy during the Vietnam war, JOHN KERRY was awarded the Silver Star, a Bronze Star, and three Purple Hearts. Upon returning home, he became a national leader in the fight for justice for veterans who served beside him in Vietnam as well as for veterans of wars before and since Vietnam. He joined with others to found the Vietnam Veterans of America organization. He has worked hard here in the Senate over all of these years to secure veterans' benefits, for an extension of the GI bill for higher education, and for appropriate treatment for veterans with post-traumatic stress disorder.

As we all know, Senator KERRY has played a leading role in shaping American foreign policy for many years in his position on the Foreign Relations Committee and as chair of that distinguished committee. As chair of that committee, he was instrumental in securing passage of the New START treaty, a vital arms accord with Russia that is helping to reduce the danger of nuclear proliferation. He has served as a trusted special envoy to Afghanistan, Sudan, and Pakistan at crucial moments. Senator KERRY advocated for democratic elections in the Philippines. He was part of a delegation that uncovered the fraud that ultimately led to the removal of President Ferdinand Marcos. He was a strong proponent of U.S. action to end ethnic cleansing in Kosovo and to oppose sanctions on Burma tied to human rights abuses. Senator KERRY has been a leader in promoting economic development and recovery in Haiti, fighting global HIV/AIDS, supporting democracy and human dignity, poverty assistance, and the advancement of women's empowerment throughout the world.

In his early days in the Senate, Senator KERRY and I—in fact, we were elected together in 1984; we came to the Senate together. But shortly after that, Senator KERRY and I went on a factfinding mission to Nicaragua and unearthed information regarding the activities of the Contra guerillas, which he presented to the Committee on Foreign Relations. Based in part on his groundbreaking findings, the committee launched an investigation into the funding of the Contra guerillas that ultimately uncovered the Reagan administration's Iran-Contra scandal, a scheme to divert profits from illegal arms sales to Iran to support the Contra guerillas.

Senator KERRY and I, as I said, were both Members of the class of 1984 here in the Senate. We worked together to end illegal support of the Contras in Nicaragua, and we have collaborated on a range of human rights issues since then.

In particular, I salute his tireless and valiant attempt last year to pass the Convention on the Rights of Persons with Disabilities. I can't tell my colleagues how hard he worked to get it through the committee and before that worked with others to make sure we had a good convention to the U.N. that mirrored our own Americans With Disabilities Act. JOHN KERRY worked tirelessly on this, and I am deeply grateful for all that work and the passionate commitment he made to this treaty. I know he shares my disappointment that the Senate failed to give its consent to this treaty, but I look forward to working with him in his new role as Secretary of State and with Senator MENENDEZ, our new chair of the Senate Foreign Relations Committee, not only to promote the convention around the world, which I know Senator KERRY will do in his position as Secretary of State, but to once again bring this convention to the floor of the Senate and this time to prevail and pass it.

There is no question in my mind that JOHN KERRY will be a great Secretary of State. I wish him and Teresa the very best, and I look forward to working with him in the years ahead.

Madam President, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NO BUDGET, NO PAY ACT

Mr. BROWN. Madam President, last week the House of Representatives passed a plan to prevent the risk of another credit rating downgrade. By ensuring that the United States will not default on its obligations, the House made the responsible decision to stop playing politics—at least for a while—with our Nation's creditworthiness and to prevent self-inflicted harm on our economy. Despite this effort, the House couldn't pass up the opportunity to

try, while doing the right thing, to score at least one political point. We are now considering the measure they passed.

This legislation, the No Budget, No Pay Act, coming directly off a campaign document, insists that congressional pay be linked with the passage of a budget by April 15. I am fine with that, that we should do that and if we don't, we don't get paid. But let's not forget that the Senate passed something even stronger than a budget for the past 2 years; we passed the Budget Control Act, which reduced the deficit by $2 trillion. Despite this, House Republicans have no problem misleading the American people with their language, preventing Senators from being paid until we pass a budget.

I have no problem with no budget, no pay, but why stop there? What about no jobs bills, no pay? In 2011 the Senate passed my legislation, bipartisanly cosponsored with Senator GRAHAM and a number of other Republican Senators, including Senator BURR, and a group of Democratic Senators, we passed my legislation to punish China when it cheats, when it manipulates its currency. The bill could create more than 2 million jobs, mostly in manufacturing, knowing what happened in places such as the Presiding Officer's State of Massachusetts and in my State of Ohio with lost manufacturing jobs.

Despite the clear evidence that leveling the playing field with stopping currency manipulation would create jobs, despite the clear evidence of an overwhelming vote in the Senate and, 2 years ago, an overwhelming vote in the House on the same issue, this legislation has languished in the House for the past 2 years.

But why stop at the budget? Why not a no farm bill, no pay bill? Congress is obligated to pass a farm bill every 5 years. The Senate passed our bipartisan farm bill, which, among other things, saves some $20 billion of direct savings by eliminating the longtime-discredited direct payment program. It would save $20 billion, but, again, the House refused to act.

What about my legislation linking the age at which Members of Congress can collect their pensions to the age at which working Americans are eligible for Social Security? Some people, especially in the House of Representatives, want to raise the retirement age for Social Security, yet for themselves—ourselves, if we retire earlier—collect pensions before that age. If people here are going to raise the eligibility age for Social Security, nobody here should be able to collect any retirement benefits until that same age.

Citizens in my home State of Ohio in places such as Middletown, where workers have watched paper factories get priced out of the market because of unfair competition with places such as China; in Cincinnati, where call center workers are watching their jobs get contracted to the Philippines; and in Worcester, where there are too many cases of shutdown plants, moving overseas, simply or mostly because of currency, not to mention tax breaks that encourage companies, that allow companies to deduct the cost of moving their plant overseas against their Federal tax, those are the kinds of things average Americans are waiting for the House of Representatives to act on, legislation that will make a real difference in their lives right now.

I am fine with the No Budget, No Pay Act. We should pass a budget. We should move forward on that. We need to raise the debt ceiling and stop playing politics with this, but let the House of Representatives get moving on the issues that affect everyday Americans. That is all about jobs. That is all about this economic recovery.

ADDITIONAL STATEMENTS

RECOGNIZING BIG DADDY'S BARB-Q

• Mr. BEGICH. Madam President, there is nothing like a good meal in a favorite restaurant to make your day. When I travel to Fairbanks, the second largest city in my home State, I often go to Big Daddy's BarB-Q owned by Harold Groetsema.

There are many good barbeque establishments in Alaska. Barbeque has long been a part of our Nation's culinary history. Few people know that our own Library of Congress holds dozens of old drawings, posters and prints depicting barbecued meats at picnics, high society events, fairs and the like. The Library of Congress has barbeque recipes, stories, cookbooks and books on the history of barbeque. Its collection is large because it is a popular subject whether you like your sauce sweet, spicy or vinegar sour.

It would be hard to pick an absolute favorite of mine back home. I like them all. Big Daddy's southern-style barbeque is consistently top quality. Big Daddy's has won competitions in Alaska, done well nationally and was featured on a Food Network TV show. Maybe it's the secret sauce. Maybe it's the meat. Maybe it's the way he slow cooks over a hickory fire.

Harold and his team are heading to the World Championship Barbecue Cooking Contest in Memphis later this year. With his skills and dedication, I wouldn't be surprised if they return with a high ranking. I wish Harold and his team well and I know they will make Alaska proud.•

REMEMBERING MURRAY GALINSON

• Mrs. BOXER. Madam President, today I ask my colleagues to join me in honoring Murray Galinson, an extraordinary San Diego community leader who died earlier this month in California at age 75. Murray was a dear friend of mine, and I will miss him terribly.

Murray Galinson's accomplishments were legendary—as a businessman, philanthropist, teacher, political activist and adviser, friend of Israel, and, above all, family man. But even these amazing achievements do not begin to capture the person Murray was or the life that he lived.

As Rabbi Michael Berk told a 1,000 mourners at San Diego's Temple Beth Israel, Murray was ''a man of substance and loyalty . . . a man who loved family and friends, a man of character and integrity, a man devoted to his people and his community, a man of national stature, a man whom we Jews would call a mensch, a fine example of what a human being should be, a man who leaves this world with the highest attainment: a shem tov, a good name.''

Murray was a remarkable person who was loved and admired by all who knew him and whose countless acts of charity, kindness, and public service touched thousands of people who never met him.

Murray Galinson was a proud Democrat who always sought to build bridges and consensus across party lines. As Rabbi Berk noted, Murray exemplified ''what it means to serve in the noble cause of bettering the lives of those with whom we share this country and this planet by seeking answers to our problems, not just winning.''

On behalf of the people of California, who benefitted so much from his life and works, I send my love, gratitude, and deepest sympathy to Murray's beloved wife, Elaine, and their children, daughters-in-law, and grandchildren.

One measure of Murray's profound impact on his community is how difficult it is to imagine San Diego without him—yet I know that he will live on through his good works and in the hearts of all of us who knew and loved this remarkable man.•

TRIBUTE TO JUDGE ELIZABETH A. HACKER

• Mr. LEVIN. Madam President, public service is a noble endeavor, and there are many individuals across our great nation that dedicate their lives to making our communities better and function smoothly. I am pleased today to recognize the illustrious career of one such public servant, a talented and well-respected judge from my home State of Michigan. Elizabeth A. Hacker's legal career has spanned more than three decades, and her tenure on the bench has been defined by her sound judgment, wisdom, and expansive knowledge of the law.

Judge Hacker is retiring from the Federal bench after 32 years of distinguished service to the Detroit Immigration court and to the U.S. Department of Justice. Her family, friends, and colleagues from the court and the Michigan bar gathered this past weekend to celebrate this milestone and to honor her distinguished career. I am delighted to honor her impressive record of public service to our Nation,

the Justice Department, the City of Detroit and our great State of Michigan.

Elizabeth Hacker is a proud daughter of Detroit. She received her B.A. from Wayne State University in 1974 and a law degree from the Detroit College of Law in 1978. Following a brief period in private practice, Judge Hacker joined the Detroit office of the Immigration and Naturalization Service in 1980. She rose quickly within the INS, serving as a naturalization attorney; a trial attorney; a chief attorney; and finally assistant regional counsel for the western region for three immigration districts, including Los Angeles, where she supervised dozens of other immigration attorneys.

Elizabeth Hacker is currently the senior United States immigration judge for the Immigration Court with jurisdiction over Michigan, Ohio, and northern Kentucky. Notably, Judge Hacker re-established the Detroit Immigration Court when she was appointed to the bench in July of 1995.

While affiliated with the Immigration Service, Judge Hacker acted as an instructor at both Federal law enforcement training academies, teaching a range of subjects, including the law of arrest, search and seizure, employer sanctions and general immigration law.

During her long tenure on the Detroit Immigration Court, Judge Hacker handled numerous noteworthy and high-profile cases, many of which were covered extensively by the news media. Of particular note was the role she played in the deportation of Nazi war criminals that were discovered residing in the United States living under false pretenses.

In 2011, Judge Hacker wrote the opinion in the trial of Ivan Kalymon for his participation in Nazi-sponsored acts of persecution while serving as an armed member of the Ukrainian Auxiliary Police during World War II. Hacker ordered Kalymon deported.

In the months following the attacks of September 2001, Judge Hacker handled several cases involving terrorists and terrorist organizations plotting in the United States. Many high-stakes cases came before her court. Her colleagues on immigration courts across the country came to rely on her expertise and experience. They would frequently solicit her opinion on complex matters involving national security.

Her colleague on the bench, Judge Marsha Nettles, describes Judge Hacker as someone who ensured that everyone who came before her ''received a full, fair and complete hearing. She never forgot the mission of the Immigration Service or the Court. She always put the mission first, no matter the public pressure or media scrutiny.''

By all accounts, Judge Hacker is looking forward to her retirement and to spending more time on Grosse Ile with her loving husband Brian Munson and doing more cooking, which outside of the law, is her true life's passion.

Judge Hacker is a trailblazer. Through her tireless dedication, sense of purpose and unfailing fidelity to the mission of the Justice Department and the court, Elizabeth Hacker has set a high standard. I know my colleagues join me in congratulating Elizabeth Hacker as she concludes her long and distinguished legal career.●

MESSAGES FROM THE HOUSE

At 10:12 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that pursuant to sections 5580 and 5581 of the revised statutes (20 U.S.C. 42–43), and the order of the House of January 3, 2013, the Speaker appoints the following Member on the part of the House of Representatives to the Board of Regents of the Smithsonian Institution: Mr. BECERRA of California.

The message also announced that pursuant to 22 U.S.C. 3003, and the order of the House of January 3, 2013, the Speaker appoints the following Member on the part of the House of Representatives to the Commission on Security and Cooperation in Europe: Mr. HASTINGS of Florida.

ENROLLED BILL SIGNED

At 3:18 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker pro tempore (Mr. UPTON) had signed the following enrolled bill:

H.R. 152. An act making supplemental appropriations for the fiscal year ending September 30, 2013, to improve and streamline disaster assistance for Hurricane Sandy, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. LEAHY).

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 164. A bill to prohibit the United States from providing financial assistance to Pakistan until Dr. Shakil Afridi is freed.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 177. A bill to repeal the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010 entirely.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–188. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the Air-Sea Battle Concept (ASBC) (OSS–2013–0090); to the Committee on Armed Services.

EC–189. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of nineteen (19) officers authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–190. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13348 relative to the former Liberian regime of Charles Taylor; to the Committee on Banking, Housing, and Urban Affairs.

EC–191. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64) (Docket No. FEMA–2012–0003)) received in the Office of the President of the Senate on January 22, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–192. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64) (Docket No. FEMA–2012–0003)) received in the Office of the President of the Senate on January 22, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–193. A communication from the Attorney, Legal Division, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled ''Escrow Requirements Under the Truth in Lending Act (Regulation Z)'' ((RIN3170–AA16) (Docket No. CFPB–2013–0001)) received in the Office of the President of the Senate on January 22, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–194. A communication from the Administrator, Arizona Public Safety Personnel Retirement System, transmitting, pursuant to law, a report relative to compliance with the Arizona Terror Country Divestment Act; to the Committee on Banking, Housing, and Urban Affairs.

EC–195. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled ''Appraisal Requirements for Higher-Priced Mortgage Loans Joint-Agency Rule'' (RIN2590–AA58) received in the Office of the President of the Senate on January 23, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–196. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, a report entitled ''Energy Conservation Program: Test Procedures for Microwave Ovens'' (RIN1904–AB78) received in the Office of the President of the Senate on January 22, 2013; to the Committee on Energy and Natural Resources.

EC–197. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Adequacy of Massachusetts Municipal Solid Waste Landfill Permit Program'' (FRL No. 9771–7) received in the Office of the President of the Senate on January 24, 2013; to the Committee on Environment and Public Works.

EC–198. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air

Quality Implementation Plans; Ohio and Indiana; Cincinnati-Hamilton, Ohio; Ohio and Indiana 1997 8-Hour Ozone Maintenance Plan Revisions to Approved Motor Vehicle Emissions Budgets'' (FRL No. 9773–5) received in the Office of the President of the Senate on January 24, 2013; to the Committee on Environment and Public Works.

EC–199. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Technical Corrections Regarding the Methods of Collection of Certain User Fees by CBP'' (CBP Dec. 13–3) received during recess of the Senate in the Office of the President of the Senate on January 18, 2013; to the Committee on Finance.

EC–200. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2013 Cost-of-Living Adjustments to Certain Tax Items'' (Rev. Proc. 2013–15) received in the Office of the President of the Senate on January 22, 2013; to the Committee on Finance.

EC–201. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—February 2013'' (Rev. Rul. 2013–3) received in the Office of the President of the Senate on January 22, 2013; to the Committee on Finance.

EC–202. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Extension of Guidance in Notice 2011–14 and Rev. Proc. 2011–55 for Participants in the HFA Hardest Hit Fund, the Emergency Homeowners' Loan Program, and Substantially Similar State Programs'' (Notice 2013–7) received in the Office of the President of the Senate on January 22, 2013; to the Committee on Finance.

EC–203. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Regulations Relating to Information Reporting by Foreign Financial Institutions and Withholding on Certain Payments to Foreign Financial Institutions and Other Foreign Entities'' ((RIN1545–BK68) (TD 9610)) received in the Office of the President of the Senate on January 22, 2013; to the Committee on Finance.

EC–204. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Application of Retroactive Increase in Excludible Transit Benefits'' (Notice 2013–8) received in the Office of the President of the Senate on January 22, 2013; to the Committee on Finance.

EC–205. A communication from the Acting Executive Director, Office of the Chairman, Federal Labor Relations Authority, transmitting, pursuant to law, the fiscal year 2012 Competitive Sourcing annual report; to the Committee on Homeland Security and Governmental Affairs.

EC–206. A communication from the Acting Director, Office of Government Ethics, transmitting, pursuant to law, the Performance and Accountability Report for the Office of Government Ethics for fiscal year 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–207. A communication from the Federal Co-Chair, Appalachian Regional Commission, transmitting, pursuant to law, the Commission's Semiannual Report of the Inspector General for the period from April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–208. A communication from the Acting Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, transmitting, pursuant to law, the Uniform Resource Locator (URL) for the 2012 Information Collection Budget of the United States Government (ICB); to the Committee on Homeland Security and Governmental Affairs.

EC–209. A communication from the Acting Secretary of Commerce, transmitting, pursuant to law, a report relative to the export to the People's Republic of China of an item not detrimental to the U.S. space launch industry; to the Committee on Foreign Relations.

EC–210. A communication from the Acting Secretary of Commerce, transmitting, pursuant to law, a report relative to the export to the People's Republic of China of an item not detrimental to the U.S. space launch industry; to the Committee on Foreign Relations.

EC–211. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Internet Publication of Administrative Seizure and Forfeiture Notices'' ((CBP Dec. 13–04) (RIN1651–AA94)) received in the Office of the President of the Senate on January 24, 2013; to the Committee on the Judiciary.

EC–212. communication from the Chief of Staff, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of the Commission's Rules Concerning Commercial Radio Operators'' (FCC 13–4) received in the Office of the President of the Senate on January 24, 2013; to the Committee on Commerce, Science, and Transportation.

EC–213. A communication from the Attorney-Advisor, Office of the General Counsel, Department of Transportation, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary for Transportation Policy, received in the Office of the President of the Senate on January 23, 2013; to the Committee on Commerce, Science, and Transportation.

EC–214. A communication from the Assistant Secretary for Communications and Information, National Telecommunications and Information Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Relocation of and Spectrum Sharing by Federal Government Stations—Technical Panel and Dispute Resolution Boards'' (RIN0660–AA26) received in the Office of the President of the Senate on January 22, 2013; to the Committee on Commerce, Science, and Transportation.

EC–215. A communication from the Secretary of the Commission, Bureau of Competition, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Commission Reporting Requirements Under Section 7A of the Clayton Act, 15 U.S.C. Section 18a'' received in the Office of the President of the Senate on January 24, 2013; to the Committee on Commerce, Science, and Transportation.

EC–216. A communication from the Secretary of the Commission, Bureau of Competition, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Commission Reporting Requirements Under Section 8 of the Clayton Act, 15 U.S.C. Section 19(a) (5)'' received in the Office of the President of the Senate on January 24, 2013; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. MENENDEZ for the Committee on Foreign Relations.

*John Forbes Kerry, of Massachusetts, to be Secretary of State.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. VITTER (for himself, Mr. HOEVEN, Mr. CRAPO, and Mr. THUNE):

S. 167. A bill to suspend sales of petroleum products from the Strategic Petroleum Reserve until certain conditions are met; to the Committee on Energy and Natural Resources.

By Mr. HARKIN (for himself, Mr. LEAHY, Mrs. BOXER, Mrs. MURRAY, Mr. LAUTENBERG, Mr. BROWN, Mr. BLUMENTHAL, and Mrs. GILLIBRAND):

S. 168. A bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH (for himself, Ms. KLOBUCHAR, Mr. RUBIO, Mr. COONS, Mr. FLAKE, Mrs. SHAHEEN, Mr. HELLER, Mr. BLUMENTHAL, Mr. HOEVEN, Mr. WARNER, Mr. NELSON, and Mr. SCHATZ):

S. 169. A bill to amend the Immigration and Nationality Act to authorize additional visas for well-educated aliens to live and work in the United States, and for other purposes; to the Committee on the Judiciary.

By Ms. MURKOWSKI (for herself and Mr. MANCHIN):

S. 170. A bill to recognize the heritage of recreational fishing, hunting, and recreational shooting on Federal public land and ensure continued opportunities for those activities; to the Committee on Energy and Natural Resources.

By Mr. UDALL of Colorado (for himself, Mr. MORAN, and Mr. UDALL of New Mexico):

S. 171. A bill to appropriate such funds as may be necessary to ensure that members of the Armed Forces, including reserve components thereof, and supporting civilian and contractor personnel continue to receive pay and allowances for active service performed when a Governmentwide shutdown occurs; to the Committee on Appropriations.

By Mr. MERKLEY (for himself, Mr. UDALL of New Mexico, Mr. DURBIN, and Mr. BLUMENTHAL):

S. 172. A bill to amend the Truth in Lending Act to address certain issues related to the extension of consumer credit, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SHELBY:

S. 173. A bill to repeal the current Internal Revenue Code and replace it with a flat tax, thereby guaranteeing economic growth and fairness for all Americans; to the Committee on Finance.

By Mr. BLUMENTHAL (for himself, Mr. MURPHY, and Mr. LAUTENBERG):

S. 174. A bill to appropriately restrict sales of ammunition; to the Committee on the Judiciary.

By Mr. ROBERTS (for himself, Mr. JOHANNS, Mr. GRASSLEY, Mr. THUNE, Mr. VITTER, Mr. BARRASSO, Mr. MORAN, Mr. BLUNT, Mr. ENZI, Mr. INHOFE, and Mr. BOOZMAN):

S. 175. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to improve the use of certain registered pesticides; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. VITTER (for himself, Mr. CORNYN, and Mr. SESSIONS):

S. 176. A bill to reject the final 5-year Outer Continental Shelf Oil and Gas Leasing Program for fiscal years 2013 through 2018 of the Administration and replace the plan with a 5-year plan that is more in line with the energy and economic needs of the United States; to the Committee on Energy and Natural Resources.

By Mr. CRUZ (for himself, Mr. JOHNSON of Wisconsin, Mr. VITTER, Mr. ROBERTS, Mr. GRASSLEY, Mr. CORNYN, Mr. PORTMAN, Mr. PAUL, Mr. RUBIO, Mr. JOHANNS, Mr. WICKER, Mr. COBURN, Mr. ISAKSON, Mr. BLUNT, Mr. CHAMBLISS, Mr. BARRASSO, Mr. MCCONNELL, Mr. INHOFE, Mr. FLAKE, Mr. COATS, Mr. BOOZMAN, Mr. RISCH, Mr. BURR, Mr. COCHRAN, Mrs. FISCHER, Ms. COLLINS, Mr. SCOTT, Mr. TOOMEY, Mr. ALEXANDER, Mr. LEE, Mr. HATCH, Ms. AYOTTE, Mr. MCCAIN, and Mr. SESSIONS):

S. 177. A bill to repeal the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010 entirely; read the first time.

By Mr. SHELBY (for himself and Mr. BOOZMAN):

S.J. Res. 6. A joint resolution proposing an amendment to the Constitution of the United States which requires (except during time of war and subject to suspension by Congress) that the total amount of money expended by the United States during any fiscal year not exceed the amount of certain revenue received by the United States during such fiscal year and not exceed 20 percent of the gross domestic product of the United States during the previous calendar year; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID:

S. Res. 20. A resolution designating Chairman of the Senate Committee on Foreign Relations; considered and agreed to.

ADDITIONAL COSPONSORS

S. 2

At the request of Mr. REID, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2, a bill to reduce violence and protect the citizens of the United States.

S. 5

At the request of Mr. REID, the names of the Senator from North Dakota (Ms. HEITKAMP) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 5, a bill to reauthorize the Violence Against Women Act of 1994.

S. 6

At the request of Mr. REID, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 6, a bill to reauthorize the VOW to Hire Heroes Act of 2011, to provide assistance to small businesses owned by veterans, to improve enforcement of employment and reemployment rights of members of the uniformed services, and for other purposes.

S. 46

At the request of Mr. TOOMEY, the names of the Senator from Oklahoma (Mr. COBURN) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 46, a bill to protect Social Security benefits and military pay and require that the United States Government prioritize all obligations on the debt held by the public in the event that the debt limit is reached.

S. 47

At the request of Mr. LEAHY, the names of the Senator from Kansas (Mr. MORAN), the Senator from Indiana (Mr. DONNELLY), the Senator from Connecticut (Mr. MURPHY) and the Senator from Virginia (Mr. KAINE) were added as cosponsors of S. 47, a bill to reauthorize the Violence Against Women Act of 1994.

S. 51

At the request of Mrs. BOXER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 51, a bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act.

S. 63

At the request of Mrs. GILLIBRAND, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 63, a bill to require the Secretary of Commerce and the Secretary of Labor to establish the Made In America Incentive Grant Program, and for other purposes.

S. 84

At the request of Ms. MIKULSKI, the names of the Senator from Massachusetts (Ms. WARREN), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Connecticut (Mr. MURPHY) were added as cosponsors of S. 84, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 135

At the request of Mr. VITTER, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 135, a bill to amend title X of the Public Health Service Act to prohibit family planning grants from being awarded to any entity that performs abortions, and for other purposes.

S. 137

At the request of Mr. VITTER, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 137, a bill to amend the Public Health Service Act to prohibit certain abortion-related discrimination in governmental activities.

S. 150

At the request of Mrs. FEINSTEIN, the names of the Senator from Minnesota (Mr. FRANKEN), the Senator from Hawaii (Ms. HIRONO) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 150, a bill to regulate assault weapons, to ensure that the right to keep and bear arms is not unlimited, and for other purposes.

S. 152

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 152, a bill to require the Secretary of the Air Force to retain the current leadership rank, aircraft, and core functions of the 354th Fighter Wing and the 18th Aggressor Squadron at Eielson Air Force Base and to require reports on proposed activities at such installation.

S. CON. RES. 4

At the request of Mr. VITTER, the names of the Senator from Indiana (Mr. COATS) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. Con. Res. 4, a concurrent resolution expressing the sense of Congress that a carbon tax is not in the economic interest of the United States.

S. RES. 12

At the request of Mr. NELSON, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. Res. 12, a resolution recognizing the third anniversary of the tragic earthquake in Haiti on January 12, 2010, honoring those who lost their lives in that earthquake, and expressing continued solidarity with the people of Haiti.

S. RES. 13

At the request of Mr. BROWN, the names of the Senator from Florida (Mr. NELSON) and the Senator from North Carolina (Mrs. HAGAN) were added as cosponsors of S. Res. 13, a resolution congratulating the members of Delta Sigma Theta Sorority, Inc. for 100 years of service to communities throughout the United States and the world, and commending Delta Sigma Theta Sorority, Inc. for its promotion of sisterhood, scholarship, and service.

At the request of Mr. PORTMAN, his name was added as a cosponsor of S. Res. 13, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN (for himself, Mr. LEAHY, Mrs. BOXER, Mrs. MURRAY, Mr. LAUTENBERG, Mr. BROWN, Mr. BLUMENTHAL, and Mrs. GILLIBRAND):

S. 168. A bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Madam President, on January 29, 2009, President Obama signed the Lilly Ledbetter Fair Pay

Act. It was a proud day and I was there for that. A critical law, the first legislation signed into law by President Obama after his first election, reversed the outrageous Supreme Court decision in Ledbetter v Goodyear and made clear that a worker such as Lilly Ledbetter, who does not learn of her pay inequities for years, still had recourse to challenge her wage discrimination.

Today we celebrate the anniversary of the enactment of this important law, but at the same time we must recognize it was only a first step. We need to do much more to ensure that all workers in our society are paid fairly for their work and are not shortchanged because of the their gender, race or other personal characteristic. That is why, 4 years after enactment of the Lilly Ledbetter Fair Pay Act, I am proud to introduce once again the Fair Pay Act, a bill I have introduced in every Congress since 1996.

Let me give some background. In 1963, Congress enacted the Equal Pay Act to end unfair discrimination against women in the workplace. At that time, 25 million female workers earned just 60 percent of the average pay for men. While we have made progress toward the goal of true pay equity fully a half century later, too many women still do not get paid what men do for the same or nearly the same work. Let's be clear about this. The Equal Pay Act of 1963 has to do with women doing the same jobs as men. But still, on average, as we know, for every $1 a full-time male worker earns, a woman earns just 77 cents. So we have gone from 60 cents, in all those 60 years, to 77 cents for every $1 a man makes.

What does that translate into? You might say, OK, 7 cents is that a big deal? Yes, it is. Over a lifetime of work it means an average of $400,000 that a woman loses because of the unequal pay practices.

I will say that again later on, but that $400,000 is not just the pay she loses during her lifetime. Think about the retirement benefits that woman loses because she has been underpaid all those years. That is why we have a system in America, when a woman retires, a man retires, they had the same kind of work, a man gets a lot more retirement than a woman because they paid in more because they were paid more during their lifetime.

This system is wrong, it is unjust, and it threatens the economic security of our families. The fact is millions of American families are dependent on a woman's paycheck just to get by, to put food on the table, to pay for childcare, to deal with rising health care costs.

In today's economy, few families have a stay-at-home mother. In fact, 71 percent of mothers are in the labor force. They are a major contributor to their familie's income. Two-thirds of mothers bring home at least one-quarter of their familie's earnings and in more than 4 of 10 families with children, a woman is the majority or sole breadwinner.

That means in today's economy, when a mother earns less than her male colleagues, her family must sacrifice basic necessities, as well as face greater difficulty for these kids to save for college, afford a home, live the American dream. The lifetime of earning losses all women face, including those who are without children or whose children are grown, affects not only their well-being during their working lives, as I said earlier, but it affects their ability to save and have a decent retirement.

The evidence shows that discrimination accounts for much of the pay gap. In fact, according to one study, when we look at all the reasons there is a wage gap—we have race, 2.4 percent; 3.5 percent union status; labor force experience; industry category; occupational category—41 percent unexplained. They cannot explain why it is. The fact is, that is because of discrimination. It is because our laws have not done enough to prevent this discrimination from occurring. That is why the Lilly Ledbetter Fair Pay Act was a critical first step. That is why it is important to pass the Paycheck Fairness Act.

That bill was introduced last week by Senator MIKULSKI. I am proud to be an original cosponsor. She has always championed that. What that does is start to close a lot of the loopholes and barriers to effective enforcement in our existing law to close that 41 percent unexplained gap. We need to strengthen penalties and give women the tools they need to confront discrimination.

It is outrageous that the Senate has not yet passed the Paycheck Fairness Act. In the last two Congresses this bill got more than a majority of support. In 2010 58 United States Senators, a large majority, voted to pass this legislation. If we had 58 votes, why didn't we get it? Because of Republican obstructionism, we could not even proceed to debate the bill. This was a filibuster on a motion to proceed to the bill. We got 58 votes, but we could not even debate it.

Since we just went through a recent debate on rules reform, I want the American people to understand this. The Republicans, the minority party has continuously prevented the Senate from even considering the issue of unequal wages and gender discrimination. Millions of women and their families are concerned about the fact that they get paid less than their male colleagues. It is unfair; it is unjust. Nevertheless, repeatedly, the Republicans have filibustered even debating the issue.

Just last week we had a vote in the Senate to change the rules. We made some modifications of the rules. I truly hope those modifications which were made will now enable us to get over this hurdle so we can bring up the Paycheck Fairness Act and debate it. If they want to offer amendments, that is fine, but let's debate it. Let's have amendments and then let's vote to pass the bill. I hope the changes in the rules last week will enable us to do so.

As I said, the Lilly Ledbetter bill was a first step. The Paycheck Fairness Act will start to close some of the loopholes and make sure the penalties will be enforced. But there is one more step which needs to be taken, and I think it is the most critical one of all—equal pay, yes. We have had that since 1963; that is, women and men doing the same job. The Lilly Ledbetter Act allows us to go back and get the back wages that were due, but that is sort of after the fact.

The Paycheck Fairness Act will make sure we have penalties and enforceability. However, there is one other huge, glaring discrimination that is ongoing in our society today against women; that is, as a nation we unjustly devalue jobs traditionally performed by women even when they require comparable skills to the jobs traditionally performed by men.

Today millions of what we call female-dominated jobs, such as social workers, teachers, childcare workers, nurses, those who care for our elderly in assisted living care or in nursing homes—most of these jobs are equivalent in skills and working conditions to male-dominated jobs, but the female-dominated jobs pay significantly less. This is unfair and unjust discrimination.

Why is a housekeeper worth less than a janitor? Why is a maid worth less than a janitor? Eighty-nine percent of maids are female; 67 percent of janitors are male. While the jobs are equivalent in skills, effort, responsibility, and working conditions, the median weekly earnings for a maid are $387 and for a janitor it is $463. Computer-support workers—a job that is 72 percent male—have median weekly earnings of $949. In contrast, secretaries and administrative assistants, which is 96 percent female, have median weekly earnings of $659. Why do we value someone who helps with computers more than someone who makes the entire office function? That is not to say the men are overpaid, it is just to say that jobs we have long considered in our country as ''women's work'' or ''women's jobs'' are grossly underpaid.

Now to address this more subtle, deep-rooted discrimination, today I introduced the Fair Pay Act. As I said, this is a bill I have introduced—along with Congresswoman NORTON—every year since 1996. The bill will ensure that employers provide equal pay for jobs that are equivalent in skill, effort, responsibility, and working conditions.

People have asked: How do we do that? Well, we have some history. In 1982 the State of Minnesota implemented a pay equity plan for its State, and I think, also, municipal employees. The State found that women were segregated into historically female-dominated jobs and that women's jobs paid 20 percent less than male-dominated jobs. Pay equity wage adjustments

were phased in over 4 years, leading to an average pay increase of $200 per month for women in female-dominated jobs.

In 1983, in my home State of Iowa, the Iowa Legislature—a Republican legislature and a Republican Governor, I might add—passed a bill stipulating that the State shall not discriminate in compensation between predominately male and female jobs deemed to be of comparable worth. That was in 1983. I am proud of Iowa. I just want to say this was passed by a Republican legislature and signed by a Republican Governor.

Toward that end, the State engaged a professional accounting firm to evaluate the value of 800 job classifications in State government. The final recommendations, which were made in April of 1984, proposed that 10,751 employees should be given a pay increase. After being implemented in March 1985, female employees' pay had increased at that time by about 1.5 percent. Think of what that means from 1985 to now and how much more those women are paid over all those years. This can be done as well for the women in this country who are currently being paid less, not because of their skills or education but simply because they are in undervalued ''female jobs.'' Making sure they receive their real worth will make a real difference for them and the family who rely on their wages.

Again, many of these jobs are jobs that we don't know what we would do without them. Have you ever visited someone in your family who was in a nursing home? Who is taking care of those people? Women. If we take someone who is in a situation like that, they have to lift and move heavy people. They have to be strong, and they care for people. Then we look at truckdrivers. Most truckdrivers are men. Truckdrivers have power steering and power brakes. A person doesn't have to be strong to drive a truck. They are making a lot more money than that woman who is working in a nursing home and taking care of our grandparents. Why? Skills, effort, responsibility, and working conditions are about the same.

What my bill would do would be very simple. It would require employers to publicly disclose their job categories and their pay scales. Got it? Employers would publicly disclose their job categories and pay scales without requiring specific information on individual employees. I am not asking anyone to say what they are paying an individual employee. We just want to know job categories and pay scales. If we give women information about what their male colleagues are earning, they can insist on a better deal for themselves in the workplace.

Right now women who believe they are the victim of pay discrimination must file a lawsuit and endure a drawn-out legal discovery process to find out whether they make less than the man working beside them. With pay statistics readily available, this process could be avoided. In fact, I remember when Lilly Ledbetter first testified before our committee—the committee I now chair and the committee on which the distinguished occupant of the chair is proud to serve.

I had provided Lilly Ledbetter information on the Fair Pay Act—the one I am talking about. I asked her if the Fair Pay Act had been law, would it have averted her wage discrimination case. She made it very clear that had she had the information about pay scales, which our bill provides, this would have given her the information she needed to insist on being paid a fair salary from the beginning rather than having to resort to litigation years after the discrimination began.

Four years after President Obama signed the Lilly Ledbetter Fair Pay Act, let's make sure what happened to Lilly never happens again by recommitting ourselves to eliminating discrimination in the workplace and making equal pay for equivalent work a reality.

I have introduced this bill in every Congress since 1996. We get focused on Lilly Ledbetter, and that is important. We are focused on paycheck fairness as well. Let's think about the millions of American women out there who are in these traditional women's jobs which require the skill, effort, responsibility, and working conditions that are similar to a man and yet they are grossly underpaid.

If Minnesota and Iowa—and there may be some other States I don't know about; I just know about those two. If they can do it—and they did this in the 1980s for State employees as well as municipal employees in Minnesota—surely we can do this nationwide. If we really want to stop the discrimination in pay in this country between women and men, the Fair Pay Act is the one that will do it.

I am going to continue to push for this as long as I am here. Hopefully, we can have some hearings on it again, which I will, and hopefully we can begin to move on it.

By Mr. HATCH (for himself, Ms. KLOBUCHAR, Mr. RUBIO, Mr. COONS, Mr. FLAKE, Mrs. SHAHEEN, Mr. HELLER, Mr. BLUMENTHAL, Mr. HOEVEN, Mr. WARNER, Mr. NELSON, and Mr. SCHATZ):

S. 169. A bill to amend the Immigration and Nationality Act to authorize additional visas for well-educated aliens to live and work in the United States, and for other purposes; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to introduce the Immigration Innovation—or I-Squared—Act of 2013. I am pleased to be joined by my colleagues Senator AMY KLOBUCHAR, Senator MARCO RUBIO, and Senator CHRIS COONS, without whom this bill would not have materialized. All four of us worked very closely together, and each one of us deserves total credit for this bill. Together, we have crafted one of the first bipartisan immigration bills in this Congress, one that is designed to address the shortage of high-skilled labor we face in this country. This shortage has reached a crisis level. For too long, our country has been unable to meet the ever-increasing demand for workers trained in science, technology, engineering, and mathematics—or STEM—fields. As a result, some of our Nation's top technology markets, such as Silicon Valley, Seattle, Boston, New York, and Salt Lake City, are in desperate need for qualified STEM workers.

It is critical that we not only recognize this shortage of high-skilled workers but also understand why it exists. Increasingly, enrollment in U.S. universities in the STEM fields comes from foreign students, and despite our urgent need for workers in these fields, we continue to send these foreign students—potential high-skilled workers trained at American universities—back to their home countries after graduation.

Recently I was in a meeting with several leaders in the technology industry where it was mentioned that between 2010 and 2020, the American economy will annually create more than 120,000 additional computer science jobs that will require at least a bachelor's degree, and that is just mentioning one aspect of this. This is great news for many of our computer science students. Unfortunately, that is the end of the good news. Each year only about 40,000 American students received bachelor's degrees in computer science. In other words, there are approximately 80,000 new computer science positions every year in the United States that cannot be filled by the available American workforce. I might add that these are positions which need to be filled so that our technology industry can continue to thrive. Simply put, U.S.-based companies have a great need for those trained in the science, technology, engineering, and mathematics field, but at least right now, there are not enough Americans trained and ready to fill these jobs.

We cannot continue to simply hope American companies do not move operations to countries where they have greater access to individuals trained in these STEM fields. We cannot continue to ignore this problem; it is that simple. Continued inaction causes us to miss out on an important opportunity, especially since, as the American Enterprise Institute has confirmed, 100 foreign-born workers with STEM degrees create an average of 262 additional jobs for native-born workers. Those countries would love to have their American-educated Ph.D.s and other highly educated individuals return and boost their economy—not only from their acquired skills but also by creating these new jobs as well. An updated, high-skilled immigration system is directly tied to creating jobs

and spurring growth across all sectors of our economy. We cannot afford any further inaction on this issue.

The I-Squared Act of 2013 addresses the immediate short-term need to provide American employers with greater access to high-skilled workers while also addressing the long-term need to invest in America's STEM education. I am confident that this two-step approach will enable our country to thrive and help us compete in today's global economy.

I mentioned my three prime cosponsors on this bill, each one of whom deserves credit for this bill, each one of whom has been a pleasure to work with, each one of whom adds a great deal to getting this bill passed. I personally thank the Senators for working with me on this issue and allowing me the privilege of working with them on this issue.

Let me turn some time over to Senator KLOBUCHAR, who, along with Senators COONS and RUBIO, has been a prime mover on this piece of legislation.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I wish to thank Senator RUBIO and Senator COONS. I also thank the Senator from Utah for his incredible leadership. We have worked as a team. I think that is what this is, a team—team America. We must be a country that makes stuff again, invents things, and exports to the world. In order to do that, we need the world's talent, and that is what this bill is about.

As everyone can see by looking at the four of us here on the Senate floor, it is something on which both parties can agree. In order to get this done and get comprehensive immigration reform done, we must work in a bipartisan manner. I support the comprehensive immigration principles that were outlined yesterday for reform and look forward to working with my colleagues on the Judiciary Committee to get this done.

The I-squared bill is about encouraging engineers, inventors, innovators, and entrepreneurs to work here in this country and discouraging companies from contracting out with people in other countries. I cannot say how many Minnesota companies—small companies—have told me that they could not bring someone over because of the caps and they contracted with that person in another country. Well, guess what. That person then hired assistants and other people to work with them, but in one case they hired French people instead of hiring Americans.

In fact, a recent study headed by Mayor Bloomberg of New York, Mayor Castro of San Antonio, Mayor Nutter of Philadelphia, and others showed that every H–1B visa creates 1.8 American jobs. Those are jobs in Hawaii and those are jobs in Minnesota.

Take a look at the Fortune 500 companies. Ninety of those companies were founded by immigrants, and over 200 were founded by immigrants or their children, including Medtronic and 3M in my home State. This has meant an extraordinary number of good American jobs, and we want more. We want the next pacemaker or Post-it note, which were invented in my State, to be invented again in the United States of America.

I want to quickly lay out the four areas of reform that are included in the I-squared bill.

First of all, we reformed the H–1B visa system to meet the needs of a growing science, engineering, tech, and medical community and to help the workers who form the backbone of those businesses.

Second, we make changes to student visas to encourage students who get degrees here to stay in this country so we don't just say: Hey, go back to India or China or some other country and start the next Google over there. We want them to start it here.

Third, we improve the green card system.

Finally, and one of the most important aspects of this bill, we actually change the visa funding structure so that companies that bring in these high-tech and science and engineering immigrant workers will also be spending some money on funding all of the education efforts we need to do in this country for science, engineering, technology, and math, the STEM education that is going on in this country. Even by a conservative estimate, that would be $300 million a year and something like $3 billion in 10 years. That is real change, and it can change the system.

I am very appreciative of the work of my colleagues. I know Senator RUBIO, who has shown great leadership on this issue, is next and will talk about the H–1B and student visa reforms. I thank Senator HATCH and Senator COONS for their leadership on this issue. We are very excited about moving ahead on this bill.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. I thank the Senator.

Mr. President, there has been a lot in the news over the last 24 hours about immigration as an issue that confronts our country. I wanted to put this in the context of that and then talk specifically about the details that are within this.

First of all, in the context of immigration reform, there are things I think the vast majority of Americans would agree. One is this: We have a legal immigration system that is not working for the country. I think that despite the debate which exists about illegal immigration and how to deal with that reality—and that is a real debate that needs to happen—one of the things everyone agrees on is that legal immigration is good for this country. It is an important part of our history and critical part of our future. The legal immigration system we have in place right now does not work for America, and it really does not work for the 21st century.

Let me be clear about one thing: I support family-based immigration. That is how my parents came to this country. I don't want us to do anything that undermines it. I also know that in the 21st century, we can no longer afford to have an immigration system where literally less than 10 percent of the people who come here do so based on the skills they bring to this country.

Think about this for a moment: If I said to my colleagues that the NBA should be a collection of the best basketball players in the world, who would disagree with that? If I said Major League Baseball should be a collection of the best baseball players in the world, who would disagree with that? How, then, can we disagree about that when it comes to our economy? How can we disagree that we should want the smartest, hardest working, most talented people on this planet to come here? I, for one, have no fear our country is going to be overrun by Ph.Ds. I have no fear this country is going to be overrun by nuclear physicists and inventors and entrepreneurs. We have to create a system where that can happen in a rational, organized, and legal way. That is what we are attempting to do because that is not what we have right now in the United States.

What we have, in fact, is a system—and Senator HATCH has discussed this. It was startling when I heard this. Yearly, our Nation has a demand for 120,000 computer science engineers, but our universities only produce 40,000 people a year. This is an indictment of our educational system. We need to fix that. We need to get to a point in this country where we have 120,000 people graduating to meet the demand. But in the short term—right now—we have to deal with the fact that if those 80,000 graduates for those jobs are not created here, those jobs are still going to exist; they are just not going to exist here. Those companies are not going to wait for us to produce more graduates. These countries are not going to wait for us to fix our immigration system. They have a business to run. If they can't find the people they need to fill these jobs, they will send those jobs to another country.

What that means in practical terms is these high-paying jobs in these industries will be paying the taxes in some other country, will be stimulating the economy in some other country, will be laying down roots in some other nation. Do people want to know why one of the reasons America is special? Because for over 200 years we have been a collection of the world's best and brightest, a magnet that attracts people here. Now we have an immigration system that in the 21st century is making that very difficult to achieve. That is what this effort does.

The other concern I have heard is what about the folks in this country now. This is a legitimate concern.

When people raise it, I don't get upset because it is a very legitimate concern: The kids who are born here and raised here and go into these industries, will they be hurt? As we have seen, the need far exceeds what we are producing, so that is not an immediate concern. But here is the other, and that is the startling figure that was used earlier; that for every 100 foreign-born STEM workers, we are creating 260-some-odd jobs. It is indisputable that these jobs create jobs for people right down the line in this process. If someone is an entrepreneur who is an immigrant, they create jobs for all kinds of people, and most of them were born here. If someone creates some new technology or develops it, they create jobs and opportunities for people who work here, live here, and were born here. This is a net positive for our economy. That is why this issue is so critical to be confronted.

By the way, as we talk about meeting the demand with our entire immigration system, we can't modernize America's legal immigration system if we don't have a way to get the world's best and brightest to come here in a way that is expedient and in a way that is cost-effective, in a way that is safe, and in a way that is legal. That is what we are attempting to do.

This bill is not in competition with any other effort; it compliments it. In fact, it is an indispensable part of it. We cannot comprehensively reform America's legal immigration system if it does not include VISA provisions for graduates in science, technology, engineering, and math.

My final point: It makes no sense to invite people to come to the United States, to study at our universities, to become the best and brightest in the world at their subject matter, and then ask them to leave. Think about that for a moment. We tell people: Come to America. We are going to let you go to our best schools and teach you everything we know and then we want you to go somewhere else and use the knowledge you gained here. That is crazy. That is not just nonsensical, it is crazy. We can't keep doing that. Hopefully, we will begin to change it now.

It has been a pleasure to work with all the folks involved with this effort. The leadership of Senator HATCH has been extraordinary, as well as that of Senator KLOBUCHAR. We have a good group working together. Our final colleague who has been a part of this, and an indispensable one, who has also worked in the context of another piece of legislation which we are hopeful to get moving soon—startup 2.0—which is an issue for another day, we are obviously interested in hearing from Senator COONS from Delaware about this issue.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I greatly appreciate the opportunity to work with the Senator from Florida on this legislation and other legislation we are focused on about how to create jobs and how to drive our economy forward. I am grateful for the leadership of Senator HATCH and Senator KLOBUCHAR as well as for their companionship as we serve together on the Judiciary Committee and as the four of us this day introduce this bill of which we are so proud, the Immigration Innovation Act of 2013.

For decades, the United States enjoyed the commanding advantage of being home to all the world's top universities, particularly in science and technology, engineering and math, and the so-called STEM fields; and we were the best place for the graduates of those universities and their advanced science programs to stay and launch a new business.

But today that field has changed. Our competitors are vying to provide more supportive environments for innovators, inventions, and startup companies. There has been a sea change in the field of opportunity back home for those foreign nationals who, in increasing numbers, are educated in the United States and whom we then force to return to their nation of origin.

Even though many of the most talented young people from around the globe still pour into the United States to obtain their master's or doctoral degrees in STEM, now more than ever they are not just tempted to take their education home with them and start businesses elsewhere, but they are attracted by their home countries and forced by our outdated immigration system. What an unwise way to compete in the global economy. Our outdated immigration system hasn't adapted to the modern world.

Half of all master's and doctoral degrees in STEM fields at American universities are today earned by foreign-born students who then face an uncertain, expensive, and unwieldy path to pursuing their dreams in the United States. Our country is hemorrhaging innovations and the inventors who make them and the jobs that come with them because America's immigration laws have failed to keep up with the demands of the modern age. We cannot afford to keep educating the world's brightest students at our leading universities which, I will remind my colleagues, are subsidized by U.S. tax dollars and American charitable giving, and then tell them they cannot repay those investments by contributing to the U.S. workforce. It is both bad policy and bad business.

That is why I have been working on this issue since I arrived in the Senate, introducing three bills and calling for the creation of a new class of green card for immigrants who have earned an advanced STEM degree from American universities.

I was especially glad to see the bipartisan framework released yesterday by Senators McCain, Schumer, Rubio, and others, which moves us toward comprehensive immigration reform and embraces this vital core premise. I also welcome President Obama's contributions to this discussion and look forward to hearing what he has to say today in Las Vegas.

There is, indeed, broad bipartisan agreement that it is long past time to reform our immigration system to make room for foreign-born, American-educated experts who want to apply their skills, start businesses, and raise their families here. At the same time, we have to dramatically improve STEM education available to American citizens to fill this dramatic gap in these fields. As Senator HATCH said just a few minutes ago, if we take the example of computer science, by 2020, the U.S. economy will need 120,000 men and women to fill these jobs. Yet just 40,000 graduates with degrees in computer science will be Americans. How to fill that gap?

The bipartisan legislation we introduce today tackles both sides of this problem, by reforming our outdated immigration system to allow highly skilled engineers and researchers to stay, rather than leaving and taking their jobs and future opportunities with them and by funneling the hundreds of millions of dollars in fees these experts pay for their green cards back into improving U.S.-based STEM education. It is a win-win.

The Immigration Innovation Act of 2013 will open the door, will recapture unused green cards, and will move away from the outdated model of country caps and overall caps to better compete with countries such as our neighbors to the north in Canada where these caps don't exist, and where Microsoft is eager to open a new massive development facility at our expense and loss.

One of the most important parts of this legislation, as I mentioned, is that we are using fees from these newly expanded H–1B visas and green cards to fund State initiatives on STEM. This will keep America at the cutting edge of science and technology and fuel economic growth for this country and generations to come.

While each of the coauthors of this legislation have made substantial contributions, I am especially grateful to Senator HATCH of Utah for his leadership.

I yield to the Senator from Utah to tell us a little bit more about this legislation.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I wish to thank Senator COONS, Senator KLOBUCHAR, and Senator RUBIO. As my colleagues can see, it is a real pleasure to work with these three partners and others as well. I particularly wish to thank each of my colleagues for the helpful overview they have given on this bill. It has been a real pleasure for me to work with these three very innovative leaders in the Senate.

As a number of my colleagues have mentioned, by eliminating per-country

limits for employment-based green cards, recapturing lost employment-based immigrant visas, exempting certain classes of immigrants from the annual green card limit, and creating a new and sustainable funding stream to enhance the U.S. STEM education pipeline, we will help America's innovative industries recruit and retain high-skilled talent to more effectively compete in today's global marketplace, and it will make us more competitive.

We have heard from many industry stakeholders that support the I-Squared Act of 2013. To date, we have received letters of support from the following organizations that support this bill: Microsoft, Oracle, Intel, IBM, Hewlett-Packard Company, Facebook, Texas Instruments, Qualcomm, U.S. Chamber of Commerce, the National Association of Manufacturers, BSA The Software Alliance, Compete America, the Semiconductor Industry Association, TechNet, the Technology Association of America, the Consumer Electronics Association, the Software and Information Industry Association, the Internet Association, the Computer and Communications Industry Association, the Information Technology Industry Council, the Information Technology and Innovation Foundation, TechServe Alliance, the Association for Competitive Technology, the Telecommunications Industry Association, CTIA—The Wireless Association, Sabre Holdings, the Council of Chief State School Officers, and just to mention one other, Immigration Voice.

Mr. President, working with Senators KLOBUCHAR, RUBIO, and COONS, I have to say is a real privilege for me. These are three very fine additions to the Senate. In the case of Senator KLOBUCHAR and Senator COONS, they are two respected members of the Senate Judiciary Committee and Senator RUBIO, in my view, is one of the most knowledgeable Senators we have on immigration policy and, as we can see, a terrific leader in so many other ways. We send a strong message that both sides of the aisle can come together to craft bipartisan legislation to address one of our country's most urgent economic needs.

Yesterday, eight of our colleagues unveiled a framework to overhaul our Nation's immigration system. I am proud of them. I commend them for their willingness to work in a bipartisan way to reform our immigration laws. It is very much needed. One of the leaders is, of course, our own Senator RUBIO, as well as Senator SCHUMER and Senator MCCAIN, and others as well whom I hate to not mention, but I think my colleagues get the point. Similarly, the work of Senators KLOBUCHAR, RUBIO, COONS, and I have done in crafting the I-Squared Act of 2013 was no easy task and represents hours of negotiations with interested stakeholders and has garnered, as my colleagues can see, widespread industry support.

The I-Squared Act makes sense. I hope our language to reform the high-skilled immigration system is considered by this body in the immediate future. I would surely like to hear a little bit more from Senator KLOBUCHAR, if she would care to make some additional points. I don't mean to take all the time.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I thank the Senator for his kind words. I wanted to actually follow up a little bit with Senator RUBIO's analogy on the teams and the sports because I did note he mentioned basketball and baseball but not hockey. As my colleagues know, Minnesota is a State of hockey. In fact, we are very happy the NHL is back playing again and that our team The Wild is playing. I actually looked at some of the numbers similar to what Senator RUBIO was talking about and, in fact, a significant number of our players on our professional hockey team come from other countries. As my colleagues know, there are a lot of Canadian hockey players and players from all over the world in all these sports.

You wonder: Why is that? With all the talk about immigration backlogs and the visa shortages, you wonder how all these great athletes are contributing to our teams. The answer is, there is no cap on visas for athletes. Again, there is no limit on how many athletes can come over and play on our sports teams. As a result, athletes from across the globe can compete here, and we have the best sports leagues in the world.

Why shouldn't we apply the same principles to engineering, to innovation, to science, to medical development? That is what we should be doing. In this bill, we do have some caps. But we are raising those caps because we think it is time to compete with the rest of the world.

Immigrants have always played a crucial role in these disciplines in the United States. In fact—and this was an interesting statistic we got—of the U.S. Nobel Prize winners, 30 percent of them, I say to Senator HATCH, have been immigrants—30 percent of them.

One of those was Mario Capecchi. He was born in Italy in 1937. His mother survived a Nazi concentration camp and was eventually able to bring him to the United States. In 2007, he won the Nobel Prize in medicine for his work on altering genes in mice through the use of stem cells. Obviously, this is an exciting area of work that gives us great hope to solve many diseases.

Medtronic, a Minnesota institution that has pioneered medical devices for years, started in a garage and was started by the child of an immigrant.

So why would we want to prevent the next person who would come in who could cure cancer, who would create a new energy source, who would bring in new means of communication to our country? This bill is about moving our country forward. This bill is about competing in the world economy. If we can do it in baseball, in basketball, and I would add, I say to Senator RUBIO, hockey, we can do it in engineering, science, technology, and math.

I thank my colleagues and turn it over to Senator RUBIO.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Mr. President, let the RECORD reflect I did not mean to offend hockey fans. On the contrary, we have two hockey teams, the Florida Panthers and the Lightning in the Tampa Bay area, which actually has won the Stanley Cup before, and the Florida Panthers were in the playoffs last year. So we like hockey too. We cannot play it outdoors in Florida. But in any event, I think the point is well taken that we do want the best and brightest.

The one point I wish to make is the one point I have picked up on, on the immigration issue, in general, over the last 24 to 48 hours; that is, how important it is that accurate information reach the American people about what it is we are working on and what it is we are not working on.

Immigration is a complicated issue. We hear a lot of discussion about immigration. I will have more to say about it later today. But immigration is a complicated process. The one we have now is complicated. It is important for people to understand what it is we are trying to do and what it is not. I think that is true for the entire issue of immigration but particularly important for this one.

To that end, I guess I wish to issue a public challenge to the companies that in the past have gotten engaged in the public discourse and in the public debate on issues that involve the issues of technology.

Just a few months ago—and it is a sore spot in some places, I imagine—we had this issue of SOPA and PIPA and all these other things that were going to impact the freedom of the Internet and the freedom of communicating online, and a lot of groups got involved to speak about that and to try to clear up the record about what they were for and what they were against.

I hope they will do the same thing on this. I hope they will use the platforms on this to openly discuss what this is about.

I guess this is a challenge to the Facebooks and the Googles and the Twitters of the world: Get engaged in letting people know what is at stake. If we like these innovations that have radically changed the way we live in this country—just think about this for a moment. If a decade ago we would tell someone we are going to Google them, they would be offended because that did not mean anything a decade ago. Now it means something. If we were to say a decade ago that we were going to tweet something, people would look at us funny. Now it actually means something.

These are innovations that happened in America that have not only changed the way we live and made our lives

more interesting and in some ways more productive but are transforming the world.

Think about the political movements here and around the world. There was a time when one could not even engage in public discourse in America if they did not have an organization to back them. Now any single individual can become the leader of a movement fairly quickly by using the platforms that have been created by innovators.

A disproportionate number of the people who develop this stuff are immigrants or the children of immigrants or children or people we have trained in this country who, thank God, we did not send back home.

We have a chance to do that, and I hope those who have a vested interest in this issue passing will use the platforms they own and operate to clearly inform the American people about what is at stake on the issue of immigration as a whole but in particular on this issue of high-skill immigration.

I guess for some additional thoughts, I wish to turn it over to Senator COONS, who has a unique insight into innovation. We worked on the Startup 2.0. I will plug it again because it is an important piece of legislation we would like to get done fairly soon. A lot of it is based on investor visas and things of that nature.

I think Senator COONS has more to add about our effort here today.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. NELSON. Mr. President, I say to Senator COONS, would the Senator yield just for a moment for a compliment?

Mr. COONS. Certainly. I yield to the Senator from Florida.

Mr. NELSON. Mr. President, I just wish to compliment my colleague from Florida. As I gave a number of interviews yesterday on his initiatives with regard to comprehensive immigration—not to speak of the issue at hand, more about the specialized necessity of visas, but on overall comprehensive immigration, which I certainly favor and have voted for in the past—a huge step was taken because of the initiative of a number of courageous Senators, among whom I would include my colleague from Florida.

Thank you.

Mr. COONS. I thank Senator NELSON.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I join the Senator from Florida in thanking and recognizing the junior Senator from Florida, Mr. RUBIO, for his great work on the issues of job creation and innovation through Startup 2.0 and other bills we have worked on together but also through the comprehensive framework that was released yesterday. The framework released by Senators SCHUMER, MCCAIN, RUBIO, and others takes the right approach to ensuring that the United States has a modern, efficient, effective, and compassionate immigration system.

I was glad to see it addressed family-based immigration challenges, including creating an expedited path to citizenship for young people brought here as children through no fault of their own—people we rightly call DREAMers.

While the Immigration Innovation Act we are introducing today recognizes the vital, the critical contributions immigrants have made and will continue to make in highly technical fields, we also must recognize the essential contributions immigrants make along the entire labor spectrum, across the whole breadth of this country—to building up this country in the past and to giving it a brighter future.

As you heard from Senator KLOBUCHAR before, if Team USA is to play competitively globally, we need the best and the brightest contributors to our future. Why would we educate the best inventors and innovators in the world and send many of them back to compete against us from other countries rather than embracing them and allowing them to invent, to invest, and create companies and jobs in the United States?

While I am eager to move ahead on family-focused reform, I am equally eager to have us move ahead with reform for STEM degree holders. Comprehensive immigration reform is a necessity for the hard-working people of Delaware and around the country, for those who want nothing more than to play by the rules, build a better life for their children, and contribute to the American dream.

That is what any of us would want, the chance to work hard, to see our children grow up happy and healthy, with the education and opportunities that make their dreams come true, and to contribute to a stronger America.

That is why I am committed to a comprehensive overhaul of our immigration system, one that supports children and families, as well as our economy and our vital technology sector, and that welcomes immigrants into the rich fabric of this country, as the United States has done since our founding.

As someone who trained in chemistry, as someone who worked for a high-technology, materials-based science company, as someone who met just yesterday with a Delaware company complaining of the challenges that visa caps and limits place on their ability to do research and development and to compete in the global economy, I am grateful for the leadership Senator HATCH and Senator KLOBUCHAR and Senator RUBIO have shown in crafting this piece—this vital piece—of the total picture of comprehensive immigration reform.

I thank the Presiding Officer.

I say to Senator HATCH, does the Senator have some closing comments as we conclude this colloquy?

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I wish to particularly thank my colleagues—Senator COONS and Senator RUBIO and Senator KLOBUCHAR—for their work on this bill. It is obvious from their statements here today they have a great deal of commitment to these important issues.

I-squared is a commonsense approach to ensuring that those who have come to be educated in our American universities have the ability to stay with their families and contribute to our economy and our society.

This bill is good for workers, it is good for businesses trying to grow, and it is good for our economy.

I am pleased with the momentum we already have seen on this bill through industry support and within the Senate itself.

I am pleased to announce that Senators FLAKE, SHAHEEN, HELLER, BLUMENTHAL, HOEVEN, NELSON, and WARNER have agreed to be original cosponsors of the I-Squared Act, and I encourage many more of my colleagues to support and help pass this bill. It is long overdue. It is well thought out. We have run it by the top people in this country. Frankly, it has a lot of support so far. We have not even gone out and tried to get cosponsors, and they are starting to come naturally. I hope we can get the Senate to call up this bill. Of course, I think we are all interested in going beyond this bill too, in doing true immigration reform that will help our country to continue to maintain itself as the greatest country in the world.

I wish to thank my colleagues. This has been a real privilege to serve with them on the floor today.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD as follows:

S. 169

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Immigration Innovation Act of 2013'' or the ''I-Squared Act of 2013''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—EMPLOYMENT-BASED NONIMMIGRANT VISAS

Sec. 101. Market-based H–1b visa limits.
Sec. 102. Employment authorization for dependents of H-1b nonimmigrants.
Sec. 103. Eliminating impediments to worker mobility.

TITLE II—STUDENT VISAS

Sec. 201. Authorization of dual intent.

TITLE III—EMPLOYMENT-BASED IMMIGRANT VISAS

Sec. 301. Elimination of per-country numerical limitations.
Sec. 302. Recapturing lost employment-based immigrant visas.
Sec. 303. Aliens not subject to direct numerical limitation.

TITLE IV—STEM EDUCATION FUNDING
Sec. 401. Funding for STEM education and training.
Sec. 402. Promoting American Ingenuity Account.
Sec. 403. STEM education grant application process.
Sec. 404. Approved activities.
Sec. 405. National evaluation.
Sec. 406. Rule of construction.

TITLE I—EMPLOYMENT-BASED NONIMMIGRANT VISAS

SEC. 101. MARKET-BASED H–1B VISA LIMITS.

(a) IN GENERAL.—Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''(beginning with fiscal year 1992)''; and

(B) by amending subparagraph (A) to read as follows:

''(A) under section 101(a)(15)(H)(i)(b) may not exceed the sum of—

''(i) the base allocation calculated under paragraph (9)(A); and

''(ii) the allocation adjustment calculated under paragraph (9)(B); and'';

(2) in paragraph (5)—

(A) in subparagraph (B), by striking ''or'' at the end; and

(B) in subparagraph (C), by striking '', until the number of aliens who are exempted from such numerical limitation during such year exceeds 20,000.'' and inserting ''; or'';

(3) in paragraph (8), by striking subparagraphs (B)(iv) and (D);

(4) by redesignating paragraph (10) as subparagraph (D) of paragraph (9);

(5) by redesignating paragraph (9) as paragraph (10); and

(6) by inserting after paragraph (8) the following:

''(9)(A) The base allocation of nonimmigrant visas under section 101(a)(15)(H)(i)(b) for each fiscal year shall be equal to—

''(i) the sum of—

''(I) the base allocation for the most recently completed fiscal year; and

''(II) the allocation adjustment for the most recently completed fiscal year;

''(ii) if the number calculated under clause (i) is less than 115,000, 115,000; or

''(iii) if the number calculated under clause (i) is more than 300,000, 300,000.

''(B)(i) If the number of cap-subject nonimmigrant visa petitions approved under section 101(a)(15)(H)(i)(b) during the first 45 days petitions may be filed for a fiscal year is equal to the base allocation for such fiscal year, an additional 20,000 such visas shall be made available beginning on the 46th day on which petitions may be filed for such fiscal year.

''(ii) If the base allocation of cap-subject nonimmigrant visa petitions approved under section 101(a)(15)(H)(i)(b) for a fiscal year is reached during the 15-day period ending on the 60th day on which petitions may be filed for such fiscal year, an additional 15,000 such visas shall be made available beginning on the 61st day on which petitions may be filed for such fiscal year.

''(iii) If the base allocation of cap-subject nonimmigrant visa petitions approved under section 101(a)(15)(H)(i)(b) for a fiscal year is reached during the 30-day period ending on the 90th day on which petitions may be filed for such fiscal year, an additional 10,000 such visas shall be made available beginning on the 91st day on which petitions may be filed for such fiscal year.

''(iv) If the base allocation of cap-subject nonimmigrant visa petitions approved under section 101(a)(15)(H)(i)(b) for a fiscal year is reached during the 185-day period ending on the 275th day on which petitions may be filed for such fiscal year, an additional 5,000 such visas shall be made available beginning on the date on which such allocation is reached.

''(v) If the number of cap-subject nonimmigrant visa petitions approved under section 101(a)(15)(H)(i)(b) for a fiscal year is at least 5,000 fewer than the base allocation, but is not more than 9,999 fewer than the base allocation, the allocation adjustment for the following fiscal year shall be -5,000.

''(vi) If the number of cap-subject nonimmigrant visa petitions approved under section 101(a)(15)(H)(i)(b) for a fiscal year is at least 10,000 fewer than the base allocation, but not more than 14,999 fewer than the base allocation, the allocation adjustment for the following fiscal year shall be -10,000.

''(vii) If the number of cap-subject nonimmigrant visa petitions approved under section 101(a)(15)(H)(i)(b) for a fiscal year is at least 15,000 fewer than the base allocation, but not more than 19,999 fewer than the base allocation, the allocation adjustment for the following fiscal year shall be -15,000.

''(viii) If the number of cap-subject nonimmigrant visa petitions approved under section 101(a)(15)(H)(i)(b) for a fiscal year is at least 20,000 fewer than the base allocation, the allocation adjustment for the following fiscal year shall be -20,000.''.

(b) REPORTING REQUIREMENT.—The Secretary of Homeland Security shall—

(1) timely upload to a public website data that summarizes the adjudication of nonimmigrant petitions under section 101(a)(15)(H)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(b)) during each fiscal year; and

(2) allow the timely adjustment of visa allocations under section 214(g)(9)(B) of such Act, as added by subsection (a).

SEC. 102. EMPLOYMENT AUTHORIZATION FOR DEPENDENTS OF H-1B NONIMMIGRANTS.

Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended—

(1) by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security''; and

(2) in paragraph (2), by amending subparagraph (E) to read as follows:

''(E) The Secretary of Homeland Security shall—

''(i) authorize an alien spouse admitted under subparagraph (H)(i)(b) or (L) of section 101(a)(15) who is accompanying or following to join the principal alien to engage in employment in the United States; and

''(ii) provide the spouse with an 'employment authorized' endorsement or other appropriate work permit.''.

SEC. 103. ELIMINATING IMPEDIMENTS TO WORKER MOBILITY.

(a) DEFERENCE TO PRIOR APPROVALS.—Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended by adding at the end the following:

''(9) The Secretary of Homeland Security may not deny a petition to extend the status of a nonimmigrant admitted under subparagraph (H)(i)(b) or (L) of section 101(a)(15) in which the petition involves the same alien and petitioner unless the Secretary determines that—

''(A) there was a material error with regard to the previous petition approval;

''(B) a substantial change in circumstances has taken place that renders the nonimmigrant ineligible for such status under this Act; or

''(C) new material information has been discovered that adversely impacts the eligibility of the employer or the nonimmigrant.''.

(b) EFFECT OF EMPLOYMENT TERMINATION.—Section 214(n) of the Immigration and Nationality Act (8 U.S.C. 1184(n)) is amended by adding at the end the following:

''(3) A nonimmigrant admitted under section 101(a)(15)(H)(i)(b) whose employment relationship terminates before the expiration of the nonimmigrant's period of authorized admission shall be deemed to have retained such legal status throughout the entire 60-day period beginning on the date such employment is terminated if an employer files a petition to extend, change, or adjust the status of the nonimmigrant at any point during such period.''.

(c) VISA REVALIDATION.—Section 222(c) of the Immigration and Nationality Act (8 U.S.C. 1202(c)) is amended by inserting ''The Secretary of State shall authorize an alien admitted under subparagraph (E), (H), (L), (O), or (P) of section 101(a)(15) to renew his or her nonimmigrant visa in the United States if the alien has remained eligible for such status.''.

TITLE II—STUDENT VISAS

SEC. 201. AUTHORIZATION OF DUAL INTENT.

(a) DEFINITION.—Section 101(a)(15)(F)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)(i)) is amended by striking ''which he has no intention of abandoning''.

(b) PRESUMPTION OF STATUS; INTENTION TO ABANDON FOREIGN RESIDENCE.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended—

(1) in subsection (b), by striking ''(L) or (V)'' and inserting ''(F), (L), or (V)''; and

(2) in subsection (h), by striking ''(H)(i)(b) or (c)'' and inserting ''(F), (H)(i)(b), (H)(i)(c)''.

TITLE III—EMPLOYMENT-BASED IMMIGRANT VISAS

SEC. 301. ELIMINATION OF PER-COUNTRY NUMERICAL LIMITATIONS.

(a) IN GENERAL.—Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended to read as follows:

''(2) PER COUNTRY LEVELS FOR FAMILY-SPONSORED IMMIGRANTS.—Subject to paragraphs (3) and (4), the total number of immigrant visas made available to natives of any single foreign state or dependent area under section 203(a) in any fiscal year may not exceed 15 percent (in the case of a single foreign state) or 2 percent (in the case of a dependent area) of the total number of such visas made available under such section in that fiscal year.''.

(b) CONFORMING AMENDMENTS.—Section 202 of the Immigration and Nationality Act (8 U.S.C. 1152) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking ''both subsections (a) and (b) of section 203'' and inserting ''section 203(a)''; and

(B) by striking paragraph (5); and

(2) by amending subsection (e) to read as follows:

''(e) SPECIAL RULES FOR COUNTRIES AT CEILING.—If the total number of immigrant visas made available under section 203(a) to natives of any single foreign state or dependent area will exceed the numerical limitation specified in subsection (a)(2) in any fiscal year, the number of visas for natives of that state or area shall be allocated under section 203(a) so that, except as provided in subsection (a)(4), the proportion of the visa numbers made available under each of paragraphs (1) through (4) of section 203(a) is equal to the ratio of the total number of visas made available under the respective paragraph to the total number of visas made available under section 203(a).''.

(c) COUNTRY-SPECIFIC OFFSET.—Section 2 of the Chinese Student Protection Act of 1992 (8 U.S.C. 1255 note) is amended—

(1) in subsection (a), by striking ''subsection (e))'' and inserting ''subsection (d))''; and

(2) by striking subsection (d) and redesignating subsection (e) as subsection (d).

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2013, and shall apply to fiscal years beginning with fiscal year 2014.

SEC. 302. RECAPTURING LOST EMPLOYMENT-BASED IMMIGRANT VISAS.

Section 201(d) of the Immigration and Nationality Act (8 U.S.C. 1151(d)) is amended to read as follows:

''(d) WORLDWIDE LEVEL OF EMPLOYMENT-BASED IMMIGRANTS.—

''(1) IN GENERAL.—The worldwide level of employment-based immigrants under this subsection for a fiscal year is equal to the sum of—

''(A) 140,000; and

''(B) the number computed under paragraph (2).

''(2) UNUSED VISAS.—The number computed under this paragraph is the difference, if any, between—

''(A) the sum of the worldwide levels established under paragraph (1) for fiscal years 1992 through the current fiscal year; and

''(B) the number of visas actually issued under section 203(b), subject to this subsection, during such fiscal years.''.

SEC. 303. ALIENS NOT SUBJECT TO DIRECT NUMERICAL LIMITATION.

(a) IN GENERAL.—Section 201(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(1)) is amended by adding at the end the following:

''(F) Aliens who are the spouse or a child of an alien admitted as an employment-based immigrant under section 203(b).

''(G) Aliens who have earned a master's or higher degree in a field listed on the STEM Designated Degree Program List published by the Department of Homeland Security on the Student and Exchange Visitor Program website from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

''(H) Aliens for whom a petition for an employment-based immigrant visa under paragraph (A) or (B) of section 203(b)(1) has been approved.''.

(b) CONFORMING AMENDMENTS.—Section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)) is amended—

(1) in paragraph (1), by striking ''28.6 percent'' and inserting ''12 percent'';

(2) in paragraph (2)(A), by striking ''28.6 percent'' and inserting ''36.9 percent''; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking ''28.6 percent'' and inserting ''36.9 percent'';

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B).

TITLE IV—STEM EDUCATION FUNDING

SEC. 401. FUNDING FOR STEM EDUCATION AND TRAINING.

(a) NONIMMIGRANT FEE ADJUSTMENT AND ALLOCATION.—Section 214(c)(9) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(9)) is amended—

(1) by amending subparagraph (B) to read as follows:

''(B) The amount of the fee imposed under this paragraph shall be—

''(i) $1,250 for each such petition filed by an employer with not more than 25 full-time equivalent employees who are employed in the United States (determined by including any affiliate or subsidiary of such employer); and

''(ii) $2,500 for each such petition filed by an employer with more than 25 such employees.''; and

(2) by amending subparagraph (C) to read as follows:

''(C) Fees collected under this paragraph shall be distributed as follows:

''(i) Of the amounts collected pursuant to subparagraph (B)(i)—

''(I) $750 shall be deposited in the Treasury in accordance with section 286(s); and

''(II) $500 shall be deposited in the Treasury in accordance with section 286(w).

''(ii) Of the amounts collected pursuant to subparagraph (B)(ii)—

''(I) $1,500 shall be deposited in the Treasury in accordance with section 286(s); and

''(II) $1,000 shall be deposited in the Treasury in accordance with section 286(w).''.

(b) CONFORMING AMENDMENT.—Section 286(s)(1) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(1)) is amended by striking the last sentence and inserting ''There shall be deposited as offsetting receipts into the account a portion of the fees collected under paragraphs (9) and (11) of section 214(c).''.

(c) IMMIGRANT FEE.—Section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)) is amended by adding at the end the following:

''(7) FUNDING FOR STEM EDUCATION AND TRAINING.—The Secretary of Homeland Security shall impose a fee of $1,000 on each I–140 immigrant visa petition filed under this subsection. Amounts collected under this paragraph shall be deposited into the Treasury in accordance with section 286(w).''.

SEC. 402. PROMOTING AMERICAN INGENUITY ACCOUNT.

Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended by adding at the end the following:

''(w) PROMOTING AMERICAN INGENUITY ACCOUNT.—

''(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Promoting American Ingenuity Account'. There shall be deposited as offsetting receipts into the account fees collected under section 203(b)(7) and a portion of the fees collected under section 214(c)(9). Amounts deposited into the account shall remain available to the Secretary of Education until expended.

''(2) PURPOSES.—The purposes of the Promoting American Ingenuity Account are to enhance the economic competitiveness of the United States by—

''(A) strengthening STEM education, including in computer science, at all levels;

''(B) ensuring that schools have access to well-trained and effective STEM teachers;

''(C) supporting efforts to strengthen the elementary and secondary curriculum, including efforts to make courses in computer science more broadly available; and

''(D) helping colleges and universities produce more graduates in fields needed by American employers.

''(3) ALLOCATION OF FUNDS.—

''(A) NATIONAL ACTIVITIES.—The Secretary of Education may reserve up to 5 percent of the amounts deposited into the Promoting American Ingenuity Account for national research, development, demonstration, evaluation, and dissemination activities carried out directly or through grants, contracts, or cooperative agreements, including—

''(i) activities undertaken jointly with other Federal agencies, such as STEM mission agencies; and

''(ii) grants to non-profit organizations for nationally significant activities consistent with the purposes of the Immigration Innovation Act of 2013.

''(B) ALLOCATIONS TO STATES.—

''(i) IN GENERAL.—Subject to clause (ii), the Secretary of Education shall proportionately allocate the remaining amounts deposited into the account to the States each fiscal year in an amount that bears the same relationship to the remainder as the amount the State received under subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331 et seq.) for the preceding fiscal year bears to the amount all States received under that subpart for the preceding fiscal year.

''(ii) MINIMUM ALLOCATIONS.—No State shall receive less than an amount equal to 0.5 percent of the total amount made available to all States from the Promoting American Ingenuity Account. If a State does not request an allocation from the Account for a fiscal year, the Secretary shall reallocate the State's allocation to the remaining States in accordance with this section.''.

SEC. 403. STEM EDUCATION GRANT APPLICATION PROCESS.

(a) APPLICATION.—Each State desiring to receive an allocation from the Promoting American Ingenuity Account established under section 286(w) of the Immigration and Nationality Act (8 U.S.C. 1356(w)) submit an application to the Secretary of Education that describes how the State plans to improve STEM education to meet the needs of employers in the State, at such time, in such form, and including such information as the Secretary may prescribe.

(b) APPROVAL.—The Secretary of Education shall approve any application submitted under subsection (a) that meets the requirements prescribed by the Secretary if the Secretary determines, after evaluating the recommendations of peer reviewers, that the State's plan for the use of funds would be successful in making progress toward meeting the purposes set forth in section 286(w)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(w)(2)).

SEC. 404. APPROVED ACTIVITIES.

A State or other entity that receives funding from the Promoting American Ingenuity Account may use such funding—

(1) to strengthen the State's academic achievement standards in science, technology, engineering, and mathematics (STEM);

(2) to implement strategies for the recruitment, training, placement, and retention of teachers in STEM fields, including computer science;

(3) to carry out initiatives designed to assist students in succeeding and graduating from postsecondary STEM programs;

(4) to improve the availability and access to STEM-related worker training programs, including community college courses and programs; and

(5) for other activities approved by the Secretary of Education to improve STEM education.

SEC. 405. NATIONAL EVALUATION.

(a) IN GENERAL.—Using amounts reserved under section 286(w)(3)(A) of the Immigration and Nationality Act, as added by section 402, the Secretary of Education shall conduct, directly or through a grant or contract, an annual evaluation of the implementation and impact of the activities funded by the Promoting American Ingenuity Account.

(b) ANNUAL REPORT.—The Secretary shall submit a report describing the results of each evaluation conducted under subsection (a) to—

(1) the President;

(2) the Committee on the Judiciary of the Senate

(3) the Committee on the Judiciary of the House of Representatives

(4) the Committee on Health, Education, Labor, and Pensions of the Senate; and

(5) the Committee on Education and the Workforce of the House of Representatives.

(c) DISSEMINATION.—The Secretary shall make the findings of the evaluation widely available to educators, the business community, and the public.

SEC. 406. RULE OF CONSTRUCTION.

Nothing in this title may be construed to permit the Secretary of Education or any other Federal official to approve the content

or academic achievement standards of a State.

By Ms. MURKOWSKI (for herself and Mr. MANCHIN):

S. 170. A bill to recognize the heritage of recreational fishing, hunting, and recreational shooting on Federal public land and ensure continued opportunities for those activities; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to introduce the bipartisan Recreational Fishing and Hunting Opportunities Act.

My bill is cosponsored by my friend from West Virginia, Senator MANCHIN, and is a commonsense, bipartisan piece of legislation. It enjoys support from over 39 separate organizations from the hunting, shooting, recreational fishing and wildlife conservation community. In addition, my staff has worked diligently with environmental and conservation organizations such as the Wilderness Society and the National Parks Conservation Association to alleviate their concerns with previous versions of the bill by removing references to the Wilderness Act and the National Environmental Policy Act. Furthermore, this legislation specifically exempts National Park Units, National Wildlife Refuges and land held in trust for the benefit of Native Americans.

Our bill would acknowledge the importance of hunting and fishing on our BLM lands and in our National Forests by requiring hunting and fishing to be recognized activities on those lands. We are talking about traditional American activities, and they are activities that deserve the same consideration as other traditional uses of our public lands. Our legislation would establish an ''open unless closed'' policy for recreational hunting, fishing and shooting on BLM and Forest Service land. It is important to note, though, that this would not give these activities special priority, but merely level the current playing field between these traditional activities and other uses of our public lands.

I would like to thank Senator MANCHIN, an original cosponsor of this bill, for his and his staff's hard work in moving this bill forward. It is our hope that this bill will receive quick but careful consideration as many sportsmen across this country have been eagerly awaiting passage of this measure for quite a long time.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 20—DESIGNATING CHAIRMAN OF THE SENATE COMMITTEE ON FOREIGN RELATIONS

Mr. REID of Nevada submitted the following resolution; which was considered and agreed to:

S. RES. 20

Resolved, The Senator from New Jersey, Mr. Menendez, shall be the Chairman of the Committee on Foreign Relations for the One Hundred Thirteenth Congress, or until his successor is chosen.

Sec. 2. *Provided*, That this resolution shall be effective upon the resignation of the Senator from Massachusetts (Mr. Kerry).

AMENDMENTS SUBMITTED AND PROPOSED

SA 5. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 325, to ensure the complete and timely payment of the obligations of the United States Government until May 19, 2013, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 5. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 325, to ensure the complete and timely payment of the obligations of the United States Government until May 19, 2013, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FISCAL YEAR 2013 BUDGET SEQUESTER.

(a) IN GENERAL.—Notwithstanding any other provision of law, the budget sequester of the security category required by section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal year 2013 shall be implemented as determined by the Secretary of Defense.

(b) REPORT.—On the date of the commencement of the budget sequester described in subsection (a), the Secretary of Defense shall submit a report to Congress detailing the reductions to discretionary appropriations in the security category required by this section.

SEC. ___. TRANSFER AUTHORITY FOR FUNDING OF DEPARTMENT OF DEFENSE UNDER CONTINUING RESOLUTION AND SEQUESTER CONSISTENT WITH AMOUNTS AUTHORIZED BY NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013.

(a) IN GENERAL.—In the event in fiscal year 2013 of a sequester during funding for the Department of Defense by continuing resolution, the Secretary of Defense may transfer amounts appropriated for the Department of Defense by the Continuing Appropriations Resolution, 2013 (Public Law 112–175) among accounts of the Department of Defense.

(b) TRANSFERS CONSISTENT WITH AMOUNTS AUTHORIZED BY PL 112–239.—In the event of any transfers under subsection (a), the total amount in any account of the Department of Defense that is available for obligation and expenditure in fiscal year 2013 may not exceed the amount authorized to be appropriated for that account for that fiscal year by applicable provisions of division A of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239).

(c) NOTICE TO CONGRESS.—Not later than 15 days after any transfer under subsection (a), the Secretary of Defense shall submit to the congressional defense committees a report setting forth a description of the transfer, including the amount of the transfer and the accounts from and to which the funds were transferred.

(d) TRANSFER AUTHORITY.—The transfer authority provided by subsection (a) is in addition to any other transfer authority provided by law.

(e) DEFINITIONS.—In this section:

(1) The term ''congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10, United States Code.

(2) The term ''sequester during funding for the Department of Defense by continuing resolution'' means the coming into effect of discretionary spending reductions under section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 pursuant to section 251(a)(1) of that Act while funding for the Department of Defense is provided by section 101(a)(3) of the Continuing Appropriations Resolution, 2013.

NOTICE OF HEARING

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Thursday, January 31, 2013, at 10 a.m. in room SD–430 of the Dirksen Senate Office Building to conduct a hearing entitled ''Pension Savings: Are Workers Saving Enough for Retirement?''

For further information regarding this meeting, please contact Michael Kreps of the committee staff on (202) 224–5111.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. NELSON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on January 29, 2013, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. NELSON. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate to conduct a hearing entitled ''30 Million New Patients and 11 Months to Go: Who Will Provide Their Primary Care?'' on January 29, 2013, at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. NELSON. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on January 29, 2013, at 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES

Mr. HARKIN. Mr. President, I ask unanimous consent that Ben Smitton and Rich Vickers of my staff be granted floor privileges for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent that Bryan Seeley,

a Department of Justice detailee on the Judiciary Committee staff be given Senate floor privileges for the remainder of calendar year 2013.

The PRESIDING OFFICER. Without objection, it is so ordered.

LETTER OF RESIGNATION

The PRESIDING OFFICER. The Chair lays before the Senate the letter of resignation of Senator JOHN F. KERRY of Massachusetts, effective Friday, February 1, at 4 p.m.

Without objection, the letter is deemed read and spread upon the Journal.

The letter follows:

U.S. SENATE,
Washington, DC, January 29, 2013.

Hon. JOSEPH R. BIDEN,
President of the United States Senate, U.S. Capitol, Washington, DC.

DEAR MR. VICE PRESIDENT: This letter is to inform you that with great gratitude to the people of Massachusetts for the privilege of serving them for over 28 years and with great pride in what I have been able to contribute to Massachusetts and our country, I hereby resign my seat in the United States Senate effective Friday, February 1st at 4:00 p.m. in order to assume the responsibility of Secretary of State.

Respectfully,

JOHN F. KERRY.

NATIONAL STALKING AWARENESS MONTH

Mr. BROWN. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 14, and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 14) raising awareness and encouraging prevention of stalking by designating January 2013 as ''National Stalking Awareness Month.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 14) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of Thursday, January 24, 2013, under ''Submitted Resolutions.'')

DESIGNATING CHAIRMAN OF THE SENATE COMMITTEE ON FOREIGN RELATIONS

Mr. BROWN. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 20, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 20) designating Chairman of the Senate Committee on Foreign Relations.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Madam President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 20) was agreed to.

(The resolution is printed in today's RECORD under ''Submitted Resolutions.'')

MEASURE READ THE FIRST TIME—S. 177

Mr. BROWN. Madam President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 177) to repeal the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010 entirely.

Mr. BROWN. Madam President, I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

ORDERS FOR WEDNESDAY, JANUARY 30, 2013

Mr. BROWN. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, January 30, 2013; that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business for 2 hours with Senators permitted to speak therein for up to 10 minutes each, with the majority controlling the first hour and the Republicans controlling the final hour; further, that at 2:30 p.m. Senator KERRY be recognized for up to 30 minutes for the purpose of delivering his farewell address.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWN. Madam President, I congratulate the Presiding Officer on becoming the senior Senator from Massachusetts in almost record time.

We hope to complete consideration of the debt limit legislation before the end of the week.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWN. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:47 p.m., adjourned until Wednesday, January 30, 2013, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate January 29, 2013:

DEPARTMENT OF STATE

JOHN FORBES KERRY, OF MASSACHUSETTS, TO BE SECRETARY OF STATE.